

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BOTTOM LINE)
TELECOMMUNICATIONS, INC. FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE) CASE NO. 94-501
AND NECESSITY TO PROVIDE RESOLD)
INTRASTATE TELECOMMUNICATIONS SERVICES)

O R D E R

This matter arising upon petition of Bottom Line Telecommunications, Inc. ("Bottom Line"), filed April 28, 1995, pursuant to 807 KAR 5:001, Section 7, for confidential protection of customer data filed in support of its application on the grounds that disclosure of the information is likely to cause Bottom Line competitive injury, and it appearing to this Commission as follows:

Bottom Line has requested that the Commission treat as confidential certain customer information filed in support of its application. As grounds for this request, Bottom Line states that disclosure of the information would place Bottom Line at a competitive disadvantage, impede full and fair competition, and undermine Bottom Line's business plans in Kentucky.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That subsection exempts several categories of information. One category exempted in paragraph (c)1 of that subsection is commercial information confidentially disclosed to

the Commission which if made public would permit an unfair commercial advantage to competitors of the party from whom the information was obtained. To qualify for the exemption the information must not be readily available from other sources.

In a previous filing, Bottom Line filed the information without requesting that it be protected from public inspection. The information was placed in the public record where it was available to the public and, therefore, cannot be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The petition to protect as confidential the customer information filed by Bottom Line in support of its application be and is hereby denied.

2. The information sought to be protected shall be held and retained by this Commission as confidential and shall not be open for public inspection for a period of 20 days from the date of this Order, at the expiration of which the information shall, without further Orders herein, be placed in the public record.

Done at Frankfort, Kentucky, this 31st day of May, 1995.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director