

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|   |   |                 |
|---|---|-----------------|
| APPLICATION OF VOYAGER NETWORKS, INC.   | ) |                 |
| FOR A CERTIFICATE OF PUBLIC CONVENIENCE | ) | CASE NO. 95-382 |
| AND NECESSITY TO RESELL TELECOMMUNICA-  | ) |                 |
| TIONS SERVICE IN KENTUCKY               | ) |                 |

O R D E R

This matter arising upon petition of Voyager Networks, Inc. ("Voyager"), filed August 30, 1995, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the customer information contained in Exhibit F to Voyager's application on the grounds that disclosure of the information is likely to cause Voyager competitive injury, and it appearing to this Commission as follows:

Voyager has filed an application for a Certificate of Public Convenience and Necessity to operate as a reseller of telecommunications services. In support of its application, Voyager has filed as Exhibit F information which provides the identity of its customers. By this petition, Voyager seeks to protect that information as confidential.

The information sought to be protected is not generally known outside of Voyager and is known within the company only to those employees and others who have a business need to have access to the information.

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 of the statute 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 party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.


Disclosure of the customers listed in Exhibit F would enable Voyager's competitors to solicit their business to the detriment of Voyager. Therefore, disclosure of the information is likely to cause Voyager competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the customer information contained in Exhibit F to Voyager's application, which Voyager has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

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

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director