

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF TELCOM)
NETWORK INC. FOR A)
CERTIFICATE OF CONVENIENCE)
AND AUTHORITY TO TRANSACT)
THE BUSINESS OF AN) CASE NO. 95-495
INTEREXCHANGE)
TELECOMMUNICATIONS SERVICES)
PROVIDER WITHIN THE STATE)
OF KENTUCKY)

O R D E R

This matter arising upon petition of Telcom Network Inc. ("Telcom") filed April 5, 1996 pursuant to KRS 61.878 for confidential protection of its response to Item 1 of the Commission's Order of February 1, 1996, on the grounds that disclosure of the information is likely to cause Telcom competitive injury, and it appearing to this Commission as follows:

By Order dated February 1, 1996, Telcom was directed to provide copies of all its contracts with underlying carriers. Telcom, in furnishing the information, has requested that the contracts be protected in their entirety as confidential on the grounds that their disclosure would permit an unfair commercial advantage to its competitors.

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 section of the statute exempts several categories of information. One category exempted in paragraph (c)1 of that

section 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. Although Telcom claims that disclosure would likely give its competitors an unfair commercial advantage, the petition does not demonstrate how the information could be used to Telcom's disadvantage. Therefore, the petition should be denied.

Additionally, the procedure for protecting information filed with the Commission is provided in 807 KAR 5:001, Section 7. That regulation requires, among other things, that an edited copy of the information sought to be protected be filed for inclusion in the public record. Telcom's petition does not meet the requirements of the regulation and is therefore subject to dismissal on those grounds.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The petition to protect as confidential, the contracts filed by Telcom in response to the Commission's Order of February 1, 1996, 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 to allow Telcom the opportunity to seek any remedy afforded by law.

3. If at the expiration of the 20-day period no action has been taken by Telcom, the information shall be placed in the public record without further Orders herein.

Done at Frankfort, Kentucky, this 18th day of April, 1996.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

COMMONWEALTH OF KENTUCKY
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In the Matter of:

THE APPLICATION OF TELCOM NETWORK,)
INC. FOR A CERTIFICATE OF CONVENIENCE)
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OF AN INTEREXCHANGE TELECOMMUNICATIONS)
SERVICES PROVIDER WITHIN THE STATE OF)
KENTUCKY)

O R D E R

On November 6, 1995, Telcom Network, Inc. ("Telcom Network") filed an application with the Commission seeking a Certificate of Public Convenience and Necessity to resell intrastate interexchange long-distance telecommunications services within the Commonwealth of Kentucky.

On January 17, 1996, Telcom Network filed its response to the Commission's December 18, 1995 Order requesting additional information. The Commission issued a second Order on February 1, 1996 requesting detailed information regarding Telcom Network's prior business operations in Kentucky. Telcom Network responded on March 1, 1996 and April 5, 1996. After reviewing Telcom Network's responses to the Commission's February 1, 1996 Order, the Commission finds that no violation of law has occurred in connection with Telcom Network's prior operations in Kentucky.

Telcom Network is a Delaware corporation with its principal office in the state of Florida and intends to resell tariffed services of facilities-based carriers certified by this Commission.

Telcom Network does not own or operate, nor does it intend to construct, any telecommunications transmission facilities within the Commonwealth of Kentucky. All intrastate telecommunications transmission services will be provided by an underlying carrier certified by this Commission.

The application provided by Telcom Network demonstrates its financial, managerial, and technical capability to provide utility service. The Commission finds that Telcom Network should be authorized to resell intrastate interexchange long-distance telecommunications services within the Commonwealth of Kentucky.

Telcom Network filed its proposed tariff on November 6, 1995. The Commission finds that the rates proposed by Telcom Network should be approved as the fair, just, and reasonable rates to be charged.

In Administrative Case No. 306,¹ the Commission stated the importance of eliminating possible customer confusion arising from the name of the billing service, rather than the name of the provider of telecommunications services, appearing on the bill. Accordingly, Telcom Network should ensure that its name appears prominently on all bills issued to customers for services rendered.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, HEREBY ORDERS that:

1. Telcom Network be and it hereby is granted authority to resell intrastate interexchange long-distance telecommunications

¹ Administrative Case No. 306, Detariffing Billing and Collection Services, Order Dated April 30, 1990.

services within the Commonwealth of Kentucky on and after the date of this Order.

2. Telcom Network shall ensure that its name appears prominently on all bills issued to customers for services rendered.

3. Telcom Network's authority to provide service is strictly limited to those services described in this Order and Telcom Network's application.

4. IntraLATA services shall be provided in accordance with the restrictions and conditions of service contained in Administrative Case No. 323.²

5. The rates proposed by Telcom Network on November 6, 1995 are hereby approved.

6. Within 30 days from the date of this Order, Telcom Network shall file, pursuant to 807 KAR 5:011, its November 6, 1995 tariff sheets without modifications.

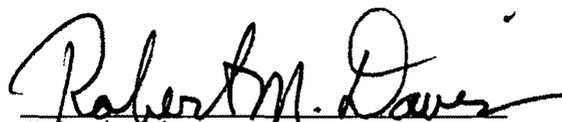
² Administrative Case No. 323, An Inquiry Into IntraLATA Toll Competition, An Appropriate Compensation Scheme for Completion of IntraLATA Calls by Interexchange Carriers, and WATS Jurisdictionality.

Done at Frankfort, Kentucky, this 18th day of April, 1996.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director