

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF WIRELESSCO, L.P., FOR )  
OPERATING AUTHORITY AND ISSUANCE OF )  
CERTIFICATE OF PUBLIC CONVENIENCE AND ) CASE NO. 96-077  
NECESSITY TO CONSTRUCT COMMERCIAL )  
MOBILE RADIO SERVICE TRANSMISSION )  
FACILITIES IN KENTUCKY )

O R D E R

This matter arising upon petition of WirelessCo, L.P. ("WirelessCo"), filed February 27, 1996, pursuant to 807 KAR 5:001, Section 7, for confidential protection of Exhibits C, E, and F to its application for a Certificate of Public Convenience and Necessity on the grounds that the information is generally recognized as confidential and proprietary, and it appearing to this Commission as follows:

WirelessCo has applied for a Certificate of Public Convenience and Necessity to operate a commercial radio service transmission system. In support of its application, WirelessCo has filed as Exhibit C its balance sheet, Exhibit E describing its initial planned coverage within its authorized service area, and Exhibit F describing its tower design criteria and tower cost estimates, all of which contain information it seeks to protect as confidential.

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 subsection (1) of KRS 61.878. That subsection exempts

several categories of information. One category exempted by paragraph (c)2 is information confidentially disclosed to a governmental agency, which is generally recognized as confidential or proprietary, and which is filed for the grant or review of a license to do business.

The purpose for which WirelessCo is submitting the information sought to be protected is to obtain a certificate to construct and operate telecommunication facilities. Therefore, to qualify for the exemption it must be established that the information is not known or readily available outside the company, and is a type of information which is generally recognized as confidential or proprietary.

The portions of the balance sheet filed as Exhibit C, which WirelessCo seeks to protect, are the monetary values of the company's assets, liabilities and owners investment. The petition does not establish whether this information is known outside the company. Therefore, it has not been shown to qualify for exemption from open records requirements of the statute and is not entitled to protection from disclosure.

Exhibit E describes the company's plans for extending coverage in its authorized service area. This same information can be derived from a letter of April 20, 1996 from an agent for the company to the commission concerning the location of antennas on existing structures. Therefore, the information is no longer confidential and is not entitled to protection.

The information in Exhibit F which WirelessCo seeks to protect as confidential consists of tower design criteria and tower construction cost estimates. This information is fairly standard within the tower construction industry and readily available to the

general public. Therefore, the information is not confidential and is not entitled to protection.

This Commission being otherwise sufficiently advised,


IT IS ORDERED that:

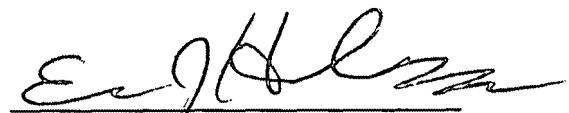
1. The petition to protect as confidential the balance sheets, description of the initial planned market coverage, and tower design criteria and tower cost estimates be and is hereby denied.

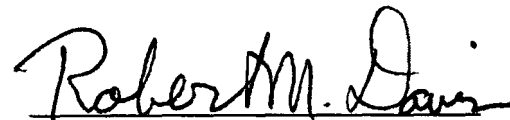
2. The information sought to be protected shall be held and retained by this Commission as confidential and shall not be open for public inspection for 20 days from the date of this Order, at the expiration of which it shall be placed in the public record without further orders herein.

Done at Frankfort, Kentucky, this 24th day of May, 1996.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commission

ATTEST:

  
Executive Director