

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SALEM TELEPHONE COMPANY'S	)	
REQUEST FOR CONFIDENTIAL	)	
TREATMENT OF INFORMATION	)	CASE NO. 96-464
FILED IN SUPPORT OF ITS TARIFF	)	
REVISIONS	)	

O R D E R

This matter arising upon petition of Salem Telephone Company, Inc. ("Salem Telephone"), filed October 30, 1996, pursuant to 807 KAR 5:001, Section 7, for confidential protection of cost information filed in support of the rates contained in a tariff filing on the grounds that disclosure of the information is likely to cause Salem Telephone competitive injury and it appearing to this Commission as follows:

In support of revisions to its tariff, Salem Telephone has filed cost information which it seeks to protect as confidential. The information sought to be protected is incremental price floor calculations developed by the Company in conjunction with the pricing of the services associated with the tariff filing. Salem Telephone maintains that disclosure of the information would benefit its competitors and cause it irreparable harm.

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). One category exempted in paragraph (c)1 of that section is commercial information confidentially disclosed by 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 the likelihood of substantial competitive injury if the information is disclosed. The Commission has required that petitioners seeking protection under the provisions of this paragraph identify those competitors who would benefit from the information and describe how the information could be used by those competitors to the detriment of the petitioner. The petition filed by Salem Telephone does not satisfy these requirements of the statute and, therefore, the information can not be protected as confidential.


This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

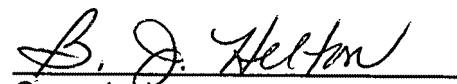
1. The petition to protect as confidential the cost information filed in support of Salem Telephone's tariff revisions is hereby denied.
2. The information sought to be protected shall be held and retained by the Commission as confidential and shall not be open for public inspection for a period of 20 days from the date of this Order to allow Salem Telephone an opportunity to file a petition that satisfies the statutory requirements.
3. If at the expiration of the 20-day period no petition has been filed, the information shall be placed in the public record without further Orders herein.

Done at Frankfort, Kentucky, this 11th day of November, 1996.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director