BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of)
CIMCO Communications, Inc., to Close) **Case No. TO-98-441**
Certain Information Presented in its)
1997 Annual Report.)

ORDER APPROVING APPLICATION TO CLOSE ANNUAL REPORT INFORMATION

On April 9, 1998, CIMCO Communications, Inc. (CIMCO) filed its 1997 annual report and an application requesting the Commission's approval to close certain information presented in the report.

Under Section 386.480, RSMo, information furnished to the Commission by a corporation, person or public utility is protected from disclosure, except such matters as are specifically required to be open to public inspection by law or by order of the Commission (or information disclosed by the Commission in the course of a hearing or proceeding).

Pursuant to Sections 392.210 and 393.140, the Commission requires public utilities to file certain information with the Commission in the form of an annual report. The requirements are implemented by an order of the Commission adopting 4 CSR 240-10.080. Under this rule the Commission treats annual report information as an open public record. However, utilities subject to this rule may make written application for the closure of annual report information where a utility considers the information requested to be confidential and states good cause (the need or basis) to maintain the information as confidential. Where such an

application is made and the information is not otherwise required to be open by law, the Commission may approve the application.

CIMCO requested that its financial information be accorded confidential treatment. In support, CIMCO stated that its services are provided in a competitive market, that it had taken appropriate measures to protect this information from public disclosure, and that the company would suffer competitive harm if the financial information were disclosed.

The Commission's staff reviewed CIMCO's application and made additional inquiries of CIMCO. The staff concluded that "CIMCO's balance sheet, statement of income, and statement of cash flow are not in the public domain . . . ." The staff also determined that there was no "compelling reason" the financial statements should be made public.

Upon review of CIMCO's application, the Commission finds that there is a need to protect confidential information, and that the application complies with 4 CSR 240-10.080, and that the information is not otherwise required by law to be open. Therefore, certain information in CIMCO's 1997 annual report may be closed. The information that is not closed should be filed in an appropriate manner.

IT IS THEREFORE ORDERED:

1. That the 1997 annual report filed by CIMCO Communications, Inc. on April 9, 1998, is closed.

2. That CIMCO Communications, Inc., shall file a public copy of its 1997 annual report by omitting or blacking out the confidential financial information appearing on the balance sheet, statement of

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income, and statement of cash flow; and shall mark the pages with omitted or blacked out information "CONFIDENTIAL INFORMATION OMITTED"; and shall attach a copy of this Order to the public copy of its 1997 annual report.

3. That CIMCO Communications, Inc., shall comply with this Order by June 30, 1999.

4. That the staff of the Missouri Public Service Commission shall monitor compliance with this Order and take further actions, if necessary, to enforce this order, or notify the Commission that this Order has been complied with and that this case may be closed, or otherwise apprise the Commission of the status of this case by July 15, 1999.

4. That this order shall become effective on June 15, 1999.

BY THE COMMISSION

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Keith Thornburg, Regulatory
Law Judge, by delegation of
authority pursuant to 4 CSR
240-2.120(1), (November 30, 1995)
and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 3rd day of June, 1999.

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