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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Teligent,)
Inc., to Close Information Presented in 1998) Case No. TO-99-543
Annual Report.)

ORDER APPROVING APPLICATION TO CLOSE
ANNUAL REPORT INFORMATION

On May 5, 1999, Teligent, Inc. (Teligent), filed an application requesting the Commission's approval to close certain information presented in its 1998 annual 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). Under Section 386.480, RSMo, an officer or employee of the Commission or of the Office of Public Counsel who divulges such information shall be guilty of a misdemeanor.

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.

Teligent has requested that information appearing on page 5 of its 1998 annual report be closed. Teligent filed this information in a sealed envelope marked "Confidential" and filed a redacted version of page 5 with its report. Teligent states that page 5 contains market-sensitive information that competitors could use to their economic advantage. Teligent states further that it treats this information as confidential and proprietary and does not reveal this information in any public forum.

On January 27, 2000, the Commission's Staff filed its recommendation. Staff stated that Teligent's balance sheet was reflected on page 5 and that this information, as presented, was not in the public domain. The Staff recommended approval of the request.

Upon review of Teligent'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. Therefore, the application may be approved. Because Teligent has already filed a redacted public copy of its report and filed the confidential information under seal, the Commission will not order an additional filing in this case. However, the Commission notes that when a request for confidential treatment is filed or approved, a complete confidential version of the annual report should generally be filed under seal for Staff access and a public version of the

annual report shall be filed that clearly marks redacted pages and information.

IT IS THEREFORE ORDERED:

1. That the request for confidential treatment of page 5 of the annual report filed by Teligent, Inc., as filed under seal is closed.
2. That the Commission's records department shall file a copy of this order with the public copy of Teligent, Inc.'s, 1998 annual report.
3. That this order shall become effective on March 21, 2000.
4. That this case shall be closed on March 22, 2000.

BY THE COMMISSION



**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 9th day of March, 2000.