



Commissioners

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April 29, 2004

Charlie Anderson
The Kansas City Business Journal
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VIA FACSIMILE TRANSMISSION

Re: Cass County Telephone Company, Case No. IR-2004-0354

Dear Mr. Anderson:

This letter responds to your request to the Missouri Public Service Commission for a copy of "highly confidential" Exhibit Nos. 1 and 2 submitted in the referenced case. Although your letter references the federal Freedom of Information Act, we have considered this as a request under Chapter 610 RSMo, which is commonly referred to as the Missouri Sunshine Law.

Section 610.021 RSMo Cum. Supp. 2003 provides that "Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

* * *

(14) Records which are protected from disclosure by law . . .

* * *

Section 386.480 RSMo 2000 directs:

No information furnished to the commission by a corporation, person or public utility, except such matters as are specifically required to be open to public inspection by the provisions of this chapter, or chapter 610, RSMo, shall be open to public inspection or made public except on order of the commission, or by the commission or a commissioner in the course of a hearing or proceeding. The public counsel shall have full and complete access to public service commission files and records. Any officer or employee of the

commission or the public counsel or any employee of the public counsel who, in violation of the provisions of this section, divulges any such information shall be guilty of a misdemeanor.

At today's Agenda, the Commission issued an order that approved a stipulated reduction to the rates of Cass County Telephone Company. The order states, "The Commission is still concerned about the allegations surrounding the company and will consider opening a separate case to monitor developments regarding those allegations." A copy of the order is attached.

Also, at today's Agenda, the Commission discussed your request. The discussion noted that Cass County Telephone Company had requested an opportunity to respond to your request and that the requested documents are currently classified as "highly confidential" under the Protective Order issued in the referenced case and are therefore closed records. A copy of the Protective Order is attached. The Court of Appeals indicated approval of the use of such a process in *State ex rel. Util. Consumers Council v. Pub. Serv. Comm'n*, 562 S.W.2d 688 (Mo. App. 1978).

If *The Kansas City Business Journal* wishes to challenge the classification of these exhibits, your attorney may file, in the referenced case, a pleading challenging that classification. A Commission case, *Staff of the Missouri Pub. Serv. Comm'n v. Laclede Gas Co.*, 28 Mo. P.S.C.(N.S.) 129 (1986), sets out the Commission practice of considering whether the public interest in the disclosure of the requested information outweighs the interest in or expectation of maintaining the privacy or confidentiality of the information. A copy of that order is attached.

The Commission plans to again discuss your request at it Agenda on Thursday, May 6, 2004.

If you or your attorney need further information, please contact me at 573-751-7510.

Sincerely,



William K. Haas
Deputy General Counsel
william.haas@psc.mo.gov

WKH:tiv

cc: Sondra Morgan (w/o attachments)
Brydon, Swearingen & England

Attachments
Protective Order in Case No. IR-2004-0354
Order Approving Unanimous Stipulation
Supplemental Order [28 Mo P.S.C.(N.S.) 129]