

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of @link Networks, Inc.'s,	)	
1999 Annual Report to the Commission as an	)	<u>Case No. TO-2000-609</u>
Interexchange Carrier and Confidential	)	
Treatment of a Portion Thereof.	)	

ORDER APPROVING APPLICATION TO CLOSE

ANNUAL REPORT INFORMATION AND ORDERING CORRECTED FILING

On March 29, 2000, @link Networks, Inc. (Company), filed its application requesting the Commission's approval to close certain information presented in its 1999 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 the 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. Under 4 CSR 240-10.080 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.

The Company has requested that certain information appearing on pages 5, 6 and 7 of its 1999 annual report be closed. The Company filed a complete (confidential treatment requested) and a redacted (public) version of its report. The Company states that pages 5, 6 and 7 contain market-sensitive information that competitors could use to their economic advantage. The Company states further that it treats this information as confidential and proprietary and does not reveal this information in any public forum.

On May 22, 2000, the Commission's Staff filed its recommendation. Staff stated that the Company's balance sheet, income statement and statement of cash flows were reflected on pages 5, 6 and 7 respectively and stated that this information was of the nature that would be protected under a protective order. Staff noted, however, that the confidential copy of the annual report was not properly filed or completed since necessary financial information was submitted by reference to attachments rather than presented on the Commission required form.

The Staff recommended approval of the request but with closure limited to one year. Staff further recommended that the Company be ordered to refile the confidential version of its annual report with the forms properly completed. Finally, Staff recommended, if the Company's request

is approved, that a copy of this order be filed with the public version of the annual report.

Upon review of the Company'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. In addition, the Commission finds that the Company should be ordered to file its annual report in the required form, including placing the information requested on the form.

IT IS THEREFORE ORDERED:

1. That the request for confidential treatment of pages 5, 6 and 7 of the annual report filed by @link Networks, Inc., is granted and that this information can be filed under seal and closed for a period of one year, until April 15, 2001.

2. That the Commission's records department shall file a copy of this order with the public copy of @link Networks, Inc.'s 1999 annual report.

3. That @link Networks, Inc., shall refile a confidential version of its 1999 annual report with the necessary financial information placed on the Commission's form not later than July 17, 2000, and file a notice of compliance in this case when it has done so.

4. That this order shall become effective on June 16, 2000.

BY THE COMMISSION

(S E A L)

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

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 6th day of June, 2000.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION