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BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of the Annual Report of  
TCG St. Louis, Inc.

)  
) Case No. TO-99-482

ORDER REQUIRING CORRECTION

On April 22, 1999, TCG St. Louis, Inc. (TCG) filed a document entitled *Motion To Accept Proprietary Annual Report*. The document requested that the Commission accept TCG's interexchange telecommunications company annual report as a proprietary document. TCG stated that the annual report contains sensitive information that TCG considers confidential. TCG also stated that it has taken all appropriate precautions to protect against the disclosure and that its ability to effectively compete in the Missouri market may be compromised if the annual report is publicly available.

The document cited no statutory provision or other authority which would allow the Commission to grant confidential treatment to such reports. 4 CSR 240-2.060(1)(D) states: "All applications . . . shall include . . . [r]eference to the statutory provision or other authority under which relief is requested." The Commission is unsure of under which rule of law TCG's application is filed. Consequently, the Commission requires that TCG state under which statute, rule or other authority it is filing.

The Commission will also require TCG to set forth a factual basis, and not just a conclusory recitation, explaining why the release of nonpublic information would be harmful to it. 4 CSR 240-10.080(7) Annual Report Filing Requirements states:

Where a utility subject to this rule considers the information requested on the annual report form to be confidential, it must make a written request to the executive secretary to file that information under seal and state good cause for maintaining the information under seal. . . .

Finally, the Commission will also require that TCG state whether the information it seeks to make confidential is available in any other form in any other public place (e.g., the Internet, public libraries, reports previously published, filings with other regulatory agencies, etc.)

Since this application is deficient in the above respects, TCG will be given ten (10) days from the date of this order to file a corrected application or be subject to denial of the relief it requests.

**IT IS THEREFORE ORDERED:**

1. That TCG St. Louis Inc. be given until May 14, 1999 to file a corrected application in accordance with this order or be subject to denial of the relief it requests.

2. That this order shall become effective May 4, 1999.

BY THE COMMISSION



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

( S E A L )

Bill Hopkins, Senior 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 4th day of May, 1999.

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COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION