

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INQUIRY INTO INTRALATA TOLL)
COMPETITION, AN APPROPRIATE) ADMINISTRATIVE
COMPENSATION SCHEME FOR COMPLETION) CASE NO. 323
OF INTRALATA CALLS BY INTEREXCHANGE)
CARRIERS, AND WATS JURISDICTIONALITY)

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell"), filed February 13, 1990 pursuant to 807 KAR 5:001, Section 7, for confidential protection of South Central Bell's response to the Commission's oral request for information on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

During the course of the hearing held January 10-12 and January 15-16, 1990, the Commission requested that E. Blair Mohon, a witness testifying on behalf of South Central Bell, furnish certain information. This information, which South Central Bell seeks to protect from public disclosure, contains customer-specific details such as names of customers, approximate timeframes for proposals made, and estimated revenue losses. The information is not known outside of South Central Bell, is not disseminated within South Central Bell except to those employees who have a legitimate business need to know and act upon the information, and South Central Bell seeks to preserve the

confidentiality of this information through all appropriate means.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The information sought to be protected could be used by South Central Bell's competitors to the detriment of South Central Bell's marketing position. Therefore, disclosure of the information is likely to cause competitive injury to South Central Bell and the petition for protection from public disclosure should be granted.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:


1. That portion of the customer-specific details contained in South Central Bell's response to the oral request made to E. Blair Mohon during the hearing held January 10-12 and January 15-16, 1990, which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.


2. South Central Bell shall, within 10 days of this Order, file an edited copy of its response with the confidential


material obscured for inclusion in the public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 8th day of March, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director