

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AT&T TARIFF FILING PROPOSING MEGACOM/MEGACOM 800 SERVICE	) )	CASE NO. 9874
AT&T TARIFF FILING PROPOSING AT&T 800 READYLINE	) )	CASE NO. 10106
THE TARIFF FILING OF AT&T COMMUNICATIONS OF THE SOUTH CENTRAL STATES, INC. TO ESTABLISH MULTIQUEST SERVICE	) ) ) )	CASE NO. 89-151

O R D E R

This matter arising upon petition of AT&T Communications of the South Central States, Inc. ("AT&T") filed December 13, 1989 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the service-specific usage information in the quarterly intraLATA traffic reports on the grounds that disclosure of the information is likely to cause AT&T competitive injury, and it appearing to the Commission as follows:

AT&T seeks to protect as confidential the service-specific usage information in the intraLATA quarterly traffic reports. Disclosure of this information would provide AT&T's competitors with information regarding AT&T's services in Kentucky which competitors could use to target their marketing efforts in this state.

The information sought to be protected is not known outside of AT&T, is not disseminated within AT&T except to those employees who have a legitimate business need to know and act upon the

information, and AT&T seeks to preserve the confidentiality of this information through all appropriate means.

807 KAR 5:001, Section 7, protects information as confidential when it 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 competitive injury if this information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

Because disclosure of this information could be used by competitors in marketing competing services, disclosure is likely to result in competitive injury to AT&T, and therefore, the petition for confidential protection of the information should be granted.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The petition for confidential protection of the service-specific usage information contained in the intraLATA quarterly report filed by AT&T shall be held and retained by this Commission as confidential and shall not be opened for public inspection.

2. AT&T shall, within 10 days of this Order, file an edited copy of the report with the confidential material obscured for inclusion in the public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 13th day of February, 1990.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

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Commissioner

ATTEST:

  
Executive Director