

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SOUTH CENTRAL BELL TELEPHONE COMPANY'S) CASE NO.
EXPERIMENTAL INCENTIVE REGULATION PLAN) 89-076

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell"), filed May 1, 1990, pursuant to 807 KAR 5:001, Section 7, for confidential protection of information relating to South Central Bell's "Interoffice Facility Diversity" 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:

In accordance with the discussion at the fourth quarterly meeting on April 12, 1990 between South Central Bell and the Commission, South Central Bell has furnished to the Commission information which shows the location of the facilities and the backup facilities of its diversity network and the timing of the placement of these facilities. South Central Bell seeks to protect this information from disclosure. The information is not known outside of South Central Bell and is not disseminated within South Central Bell, 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 injury 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.

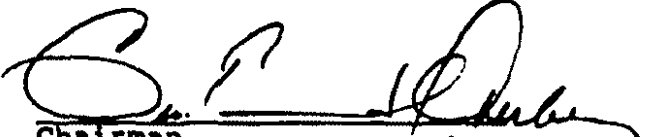
Disclosure of the material sought to be protected would provide competitors with information on where in the network they could use diversity as a marketing strategy before South Central Bell's plans were complete. Thus, disclosure would give competitors an unfair business advantage and the information should be protected as confidential.

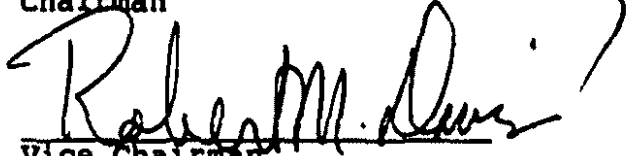
This Commission being otherwise sufficiently advised,

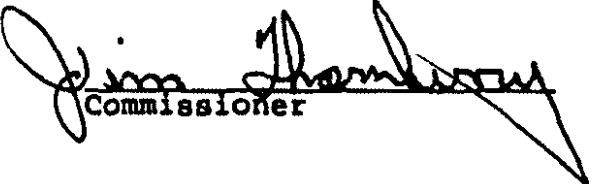
IT IS ORDERED that the information relating to "Interoffice Facility Diversity" furnished to the Commission in accordance with the fourth quarterly meeting on April 12, 1990, which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 29th day of May, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director