

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 April 2, 1990 pursuant to 807 KAR 5:001, Section 7, for confidential protection of portions of Items 2 and 4 of South Central Bell's responses to the Commission's Order dated March 12, 1990 on the grounds that disclosure of the information would cause South Central Bell competitive injury, and it appearing to this Commission as follows:

Item 2 of the information South Central Bell seeks to protect as confidential identifies the specific accounts which were either under- or over-forecasted in the second point-of-test Schedule I, and Item 4 contains the workpapers showing the deviation of the second point-of-test estimated results. South Central Bell contends that the information is competitively significant and should be protected from disclosure. The information is not known outside of South Central Bell, 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 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 in Item 2 consists of revenues, expenses, and other operating results presented in broad categories that are not specific to any service offering. It is similar in nature to information furnished in quarterly and annual reports which are matters of public record. The information has no competitive value and, thus, the information should not be protected from public disclosure.

The information sought to be protected in Item 4 also consists of revenues, expenses, and other operating results presented in broad categories that are not specific to any service offering. But in addition, Item 4 contains information derived from combined financial reports and reflects the actual revenues and expenses in various aspects of South Central Bell's operations on a monthly basis. Such information reveals to competitors

information about South Central Bell's short term plans that competitors could use in devising competitive strategies. Therefore, the information in Item 4, derived from the combined financial reports, should be protected, while the information similar to that contained in Item 2 should not. Information meriting protection under this reasoning is sheet 3 of Item 4.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The petition for confidential protection of Item 2 and those portions of Item 4 consisting of revenues, expenses, and other operating results presented in broad categories filed in South Central Bell's response to the Commission's Order of March 19, 1990 be and it hereby is denied.


2. This information shall be held as confidential for a period of five working days from the date of this Order, at the expiration of which period it shall be placed in the public record.


3. The information contained on Item No. 4 sheet 3 of 5 filed in response to the Commission's Order of March 19, 1990, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

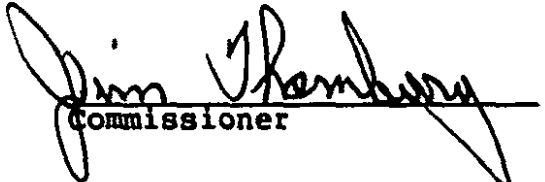
4. South Central Bell shall, within 10 days from the date of this Order, file edited copies of that portion of Item 4 deemed confidential, with the confidential material obscured for inclusion in the public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 5th day of June, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director