

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PROPOSED RESTRUCTURE AND )  
REPRICING OF AT&T'S CHANNEL ) CASE NO. 89-168  
SERVICES TARIFF )

O R D E R

This matter arising upon petition of AT&T Communications of the South Central States, Inc. ("AT&T") filed February 21, 1990 pursuant to 807 KAR 5:001, Section 7, for confidential protection of AT&T's forecast of unit volume data on the grounds that disclosure of the information would cause AT&T competitive injury, and it appearing to this Commission as follows:

In support of its application to adjust its private line rates and rate structure, AT&T has filed a forecast of unit volume data which it seeks to protect from public disclosure, on the grounds that competitors of AT&T could use the information to obtain an unfair marketing advantage. The information sought to be protected is not known outside of AT&T, is not disseminated within AT&T except to employees who have a legitimate business need to know and act upon the information, and its confidentiality is protected and preserved by AT&T 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.

Disclosure of the information sought to be protected would furnish AT&T competitors with an accurate forecast of sensitive, proprietary, and confidential unit volume information regarding AT&T's MTS services in Kentucky disaggregated by time-of-day and mileage bands. Knowledge of this information would provide competitors a clear profile of AT&T's MTS market in Kentucky and could be used by such competitors to price their services and to focus their marketing efforts to the detriment of AT&T. Thus, disclosure of the information is likely to provide competitors of AT&T with an unfair advantage and the information should be protected from disclosure.

This Commission being otherwise sufficiently advised,


IT IS ORDERED that:

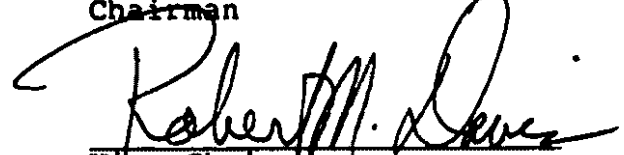
1. The forecast of unit volume data filed in support of AT&T's application to adjust its private line rates and rate structure, which AT&T has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.


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

Done at Frankfort, Kentucky, this 19th day of March, 1990.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director