

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CINCINNATI BELL LONG DISTANCE)	
INC.'S PETITION FOR CONFIDENTIAL)	CASE NO.
TREATMENT OF INFORMATION CONTAINED)	90-121
IN ITS 1989 ANNUAL REPORT)	

O R D E R

This matter arising upon petition of Cincinnati Bell Long Distance Inc. ("CBLD") filed April 2, 1990 pursuant to 807 KAR 5:001, Section 7, for confidential protection of its 1989 Annual Report on the grounds that public disclosure is likely to cause substantial competitive injury, and it appearing to this Commission as follows:

CBLD is a subsidiary of Cincinnati Bell Inc. operating as a WATS reseller. CBLD seeks to protect as confidential its 1989 Annual Report reflecting its intrastate operations filed pursuant to the provisions of 807 KAR 5:006. CBLD maintains that the report contains data that can be used to ascertain the size of CBLD's market, its averaged revenue per minute of use, and its cost of providing service. From this information, competitors could determine CBLD's market position, obtain a competitive advantage in setting their own rates, and respond to CBLD's marketing philosophies.

The information is not kept available for public inspection, is not known outside of the utility, and is not disseminated within the utility except to those employees who have a legitimate

business need to know and act upon it. CBLD seeks to protect the confidentiality of this information through all appropriate means, including the maintenance of appropriate security at its offices.

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. The petition filed by CBLD satisfies neither requirement.

Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage. The petition by CBLD does not identify any of its competitors, nor does it demonstrate how such competitors could use the information to their competitive advantage. Furthermore, the information is presented in summary form and does not contain sufficient detailed information to be of competitive value. Therefore, no competitive harm has been established and the petition should be denied.

This Commission being otherwise sufficiently advised,

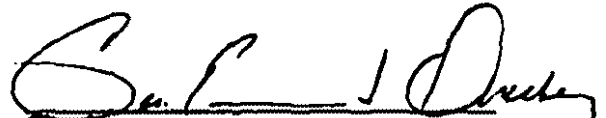
IT IS ORDERED that:

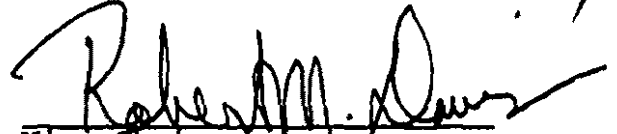
1. The petition for confidential protection of the 1989 Annual Report filed by CBLD be and it hereby is denied.

2. The information sought to be protected from disclosure shall be held as confidential and proprietary for a period of five working days from the date of this Order, at the expiration of which time it shall be placed in the public record.

Done at Frankfort, Kentucky, this 22nd day of May, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director