

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SOUTH CENTRAL BELL TELEPHONE	)	
COMPANY'S SPECIAL SERVICE CONTRACT	)	CASE NO.
ARRANGEMENT WITH THE UNIVERSITY OF	)	90-136
LOUISVILLE	)	

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed May 2, 1990 for confidential protection of the cost support data developed in connection with a Special Service Arrangement Contract with the University of Louisville, for ESSX features, on the grounds that public disclosure is likely to cause competitive injury, and it appearing to this Commission as follows:

South Central Bell has requested approval of a Special Service Arrangement Contract with the University of Louisville, for ESSX services. In connection with its request, South Central Bell has filed data containing the capital and operating costs of the service in support of its request. South Central Bell now seeks to protect that data as confidential.

The information sought to be protected is not known outside of South Central Bell and is not disseminated within South Central Bell except to those employees who have a legitimate business need to know and act upon the information. South Central Bell seeks to

preserve 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. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.


Since the contract provides information on ESSX features, disclosure of the cost data would give competitors information which would allow them to more readily compete with South Central Bell services by knowing South Central Bell's capital and operating costs, as well as contribution from the services. Therefore, the information should be protected from disclosure as confidential.

This Commission being otherwise sufficiently advised,

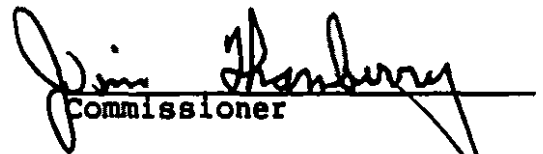
IT IS ORDERED that the cost support data developed by South Central Bell in connection with the Special Service Arrangement Contract with the University of Louisville for ESSX services, which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 25th day of May, 1990.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director