

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

US SPRINT COMMUNICATIONS COMPANY)	
LIMITED PARTNERSHIP'S PETITION FOR)	
CONFIDENTIAL TREATMENT OF)	CASE NO. 90-282
INFORMATION CONTAINED IN ITS)	
ULAS REPORT)	

O R D E R

This matter arising upon petition of US Sprint Communications Company Limited Partnership ("US Sprint") filed September 21, 1990, pursuant to 807 KAR 5:001, Section 7, for confidential protection of its Jurisdictional Usage Report for the second quarter 1990 ("ULAS report") on the grounds that disclosure of the information is likely to cause competitive injury, and it appearing to this Commission as follows:

In accordance with South Central Bell Kentucky Tariff 2J, US Sprint has filed a summary of its Jurisdictional Usage Report by LEC for the second quarter of 1990. The information is filed in accordance with the August 1, 1990 Order of the Commission in Administrative Case No. 311.¹

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

¹ Administrative Case No. 311, Investigation of InterLATA Carrier Billed Minutes of Use as a ULAS allocator.

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.

Knowledge of the information sought to be protected would enable US Sprint's competitors to analyze US Sprint's position in the Kentucky intrastate market relative to their own. It would also give them information with which to evaluate US Sprint's penetration of the Kentucky intrastate market and its success in marketing to business as opposed to residential customers. Competitors could use the minutes of use to analyze usage levels of US Sprint's customers and determine whether to target US Sprint's customers for marketing efforts. Thus, disclosure of the information is likely to cause US Sprint competitive injury, and the information is entitled to protection from public disclosure as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The Summary of Jurisdictional Usage Report by LEC for the second quarter 1990, which US Sprint 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. US Sprint shall, within 10 days of the date of this Order, file an edited copy of the report with the confidential material obscured for inclusion in the public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 30th day of October, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director