

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 December 3, 1990, pursuant to 807 KAR 5:001, Section 7, for confidential protection of its 1990 Jurisdictional Usage Report for the third quarter 1990 ("ULAS report") on the grounds that disclosure of the information is likely to cause US Sprint competitive injury, and it appearing to this Commission as follows:

In accordance with South Central Bell Kentucky Tariff 2J, US Sprint has filed its 1990 ULAS report which it seeks to protect as confidential. This report contains a detailed compilation, by local exchange company, of originating and terminating switched access minutes for the US Sprint network.

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 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 average usage levels of US Sprint's customers and determine whether to target US Sprint's customers for marketing efforts. The information, therefore, is of substantial competitive value, and disclosure would likely cause US Sprint competitive injury.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. US Sprint's summary of Jurisdictional Usage Report by LEC for the third 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 17th day of December, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director