

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE TARIFF FILING OF CINCINNATI)
BELL TELEPHONE COMPANY TO INTRODUCE)
A NEW SERVICE DESIGNATED) CASE NO. 90-405
PUBLIC PACKET SWITCHED NETWORK)
SERVICE)

O R D E R

This matter arising upon petition of Cincinnati Bell Telephone Company ("Cincinnati Bell") filed November 12, 1990 for confidential protection of Exhibit 4 to its application to revise its Private Line Tariff PSCK No. 4 in order to implement Public Packet Switched Network services on the grounds that disclosure is likely to cause Cincinnati Bell competitive injury, and it appearing to this Commission as follows:

Cincinnati Bell has filed an application to revise its Private Line Tariff PSCK No. 4 in order to implement Public Packet Switched Network services for its Kentucky operating territory. In support of its application, Cincinnati Bell has submitted a five year revenue forecast and cost-of-service study attached to the application as Exhibit A which it seeks to protect as confidential.

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

preserve the confidentiality of the information 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.

The information sought to be protected constitutes the results of an extensive market survey conducted by Cincinnati Bell prior to its decision to implement Public Packet Switched Network services in Kentucky. The information was compiled by Cincinnati Bell at substantial expense and reflects Cincinnati Bell's marketing strategies for the service. At least two other competitors, Tymnet, Inc. and Telnet, Inc., provide services that are comparable or equal to that proposed by Cincinnati Bell. Such competitors could use the information not only in making marketing decisions but also to undermine Cincinnati Bell's market position. Therefore, disclosure of the information is likely to cause Cincinnati Bell competitive injury and the information should be protected.

This Commission being otherwise sufficiently advised,

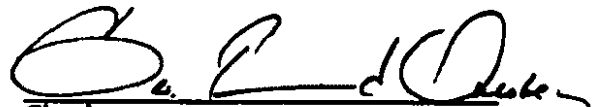
IT IS ORDERED that:


1. Exhibit A to Cincinnati Bell's application to revise its Private Line Tariff PSCK No. 4 in order to implement Public Packet Switched Network services, which Cincinnati 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.


2. Cincinnati Bell shall, within 10 days of the date of this Order, file an edited copy of the exhibit with the confidential material obscured for inclusion in the public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 12th day of December, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director