

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ESTABLISHMENT OF DUAL PARTY RELAY)	
TELECOMMUNICATIONS SERVICES FOR)	ADMINISTRATIVE
HEARING-IMPAIRED OR SPEECH-IMPAIRED)	CASE NO. 333
PERSONS IN KENTUCKY)	

O R D E R

This matter arising upon petition of AT&T Communications of the South Central States, Inc. ("AT&T") filed March 4, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of information regarding: (i) AT&T telecommunications facilities, network design, and technological enhancements regarding AT&T's relay service offering; (ii) recruiting, testing, training and interviewing employees; (iii) employee staffing requirements; (iv) cost and price information that reflects AT&T's costs of labor, equipment and telecommunications services; and (v) recommended advertising and publicity plans on the grounds that disclosure of the information is likely to cause AT&T competitive injury, and it appearing to this Commission as follows:

On February 1, 1991, the Commission issued a request for proposals for the provision of intrastate Dual Party Relay Service ("DPRS"). The purpose of DPRS is to provide telecommunications service for the hearing impaired and the speech impaired comparable to the service provided to the hearing capable and the voice capable. The Order anticipated that many of the

telecommunications companies operating in this state would submit competing proposals to provide the service, and as a consequence, declared that all proposals would be maintained in confidence until a provider for the service was selected.

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.

AT&T maintains that the material sought to be protected would allow competitors to learn valuable pricing information which is not otherwise available and which could be used in the pricing of competing services to the detriment of AT&T. AT&T also maintains that disclosure of the information would allow competitors to learn valuable marketing information which is not otherwise available and which could be used in marketing services in competition with AT&T. The petition, however, does not provide sufficient detail to demonstrate that disclosure of the information would cause competitive injury. Therefore, the petition should be denied.

This Commission being otherwise sufficiently advised,

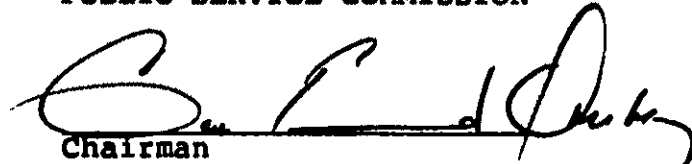
IT IS ORDERED that:

1. The petition filed by AT&T regarding: (i) AT&T telecommunications facilities, network design, and technological enhancements regarding AT&T's dual party relay service offering; (ii) recruiting, testing, training and interviewing employees; (iii) employee staffing requirements; (iv) cost and price information that reflects AT&T's costs of labor, equipment and telecommunications services; and (v) recommended advertising and publicity plans, which AT&T has petitioned be withheld from public disclosure, shall be and it hereby is denied.

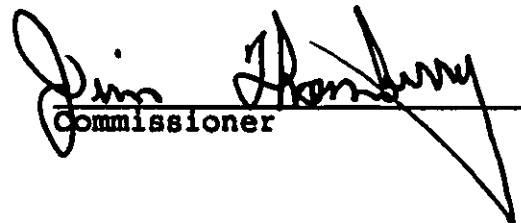
2. The information sought to be protected from disclosure shall be held as confidential and proprietary for a period of five working days from the date of this Order, at the expiration of which time, it shall be placed in the public record.

Done at Frankfort, Kentucky, this 16th day of April, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director