

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

O R D E R

This matter arising upon petition of Cincinnati Bell Telephone Company ("Cincinnati Bell"), received March 4, 1991, for confidential protection of certain information filed in response to the request for proposals for the provision of Dual Party Relay Service in Kentucky, 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. The Order anticipated the Commission would receive competing proposals to provide the service and, therefore, declared all proposals would be maintained in confidence until a provider for the service was selected. On April 15, 1991, the Commission entered an Order awarding the bid to AT&T Communications of the South Central States, Inc.

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.

Cincinnati Bell requests that certain portions of its material be protected from disclosure. The Commission has carefully reviewed this request and finds that except for the following enumerated items, Cincinnati Bell's petition does not provide sufficient detail to demonstrate that disclosure of the information specified would cause competitive injury and the information is not of a such a nature as would likely cause competitive injury. The Commission further finds that public disclosure of the following information would likely result in competitive injury to Cincinnati Bell and should be protected as confidential:

(a) The number of agents and management staffing requirements from Section 2.4.C., Provision of Facilities.

(b) The specific cost for the intrastate long distance proposal from Section 2.6.B, Rates and Charges.

(c) Illustrative interstate toll charge from Section 2.6.B., Rates and Charges.

(d) The cost associated with the intrastate toll offering from Section 2.10.

(e) The rate of return from Section 3.4.C., Quotation of Prices.

(f) The amounts for each category including the "Total Operating Expenses" and "Return on Investment" from the schedule of on-going annual costs in Appendix A.

(g) The disaggregated amounts under the headings of "Investment in Equipment/Plant," "Office Facilities," and "Employee Hiring/Training," including the "Promotional Material Subtotal (Expenses)," and "Total (Investments)" categories, from the schedule of start-up costs in Appendix A.

(h) The return on investment from the seventh sheet of Appendix A.

(i) The assumptions utilized and the dollar amounts from the proposal contained in Appendix G.

The Commission, being otherwise sufficiently advised, HEREBY ORDERS that:

1. Cincinnati Bell's petition for confidentiality is hereby denied except as specifically set forth in paragraphs (a) - (i) herein.

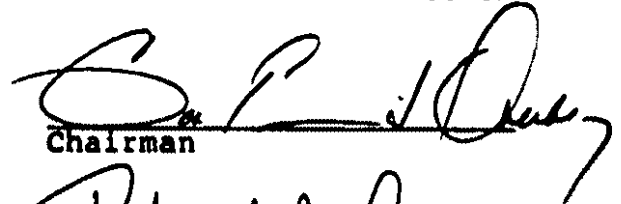
2. The information sought to be protected from disclosure by Cincinnati Bell's petition, and for which the Commission denies such protection, shall be held as confidential and proprietary for five working days from the date of this order, at the expiration of which time, it shall be placed in the public record.

3. The information set forth in paragraphs (a) - (i) herein for which Cincinnati Bell has petitioned for confidential treatment shall be withheld from public disclosure and retained by this Commission as confidential and shall not be open for public inspection.

4. Cincinnati Bell shall, within five working days of the date of this Order, file an edited copy of the information with only those portions which the Commission has granted confidential treatment obscured for inclusion in the public record.

Done at Frankfort, Kentucky, this 3rd day of May, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director