

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

A REVIEW OF THE RATES AND CHARGES	)	
AND INCENTIVE REGULATION PLAN OF	)	CASE NO. 90-256
SOUTH CENTRAL BELL TELEPHONE COMPANY	)	

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed December 17, 1990 pursuant to 807 KAR 5:001, Section 7, for confidential protection of portions of South Central Bell's responses to certain of the Attorney General's data request No. 1 dated November 21, 1990 and the Attorney General's data request No. 2. dated December 3, 1990 on the grounds that public disclosure is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

South Central Bell seeks to protect as confidential its responses to portions of Items 2, 4, 7 and 23 of the Attorney General's request No. 1 dated November 21, 1990 and portions of its responses to Items 39, 40, 42, 49, 60, 63, 80, 82, 83, 84, 85, 90, 102, 103 and 107 of the Attorney General's request No. 2 dated December 3, 1990. South Central Bell contends that the information could be used by competitors to determine revenues and expenses associated with the operation of South Central Bell in Kentucky.

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 petition of South Central Bell satisfies neither test.

The petition alleges that disclosure of the information would enable South Central Bell's competitors to determine revenues and expenses associated with its operation in Kentucky. The petition, however, does not identify the competitors who could use the information and does not explain how the information could be used by others to gain an unfair advantage over South Central Bell. Therefore, the petition should be held in abeyance to allow South Central Bell sufficient time to supplement its petition herein.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:


1. The petition by South Central Bell for confidential protection of certain of its responses to the Attorney General's request No. 1 dated November 21, 1990 and the Attorney General's request No. 2 dated December 3, 1990 shall be held in abeyance to allow South Central Bell to supplement its petition with the statement identifying the competitors to whom disclosure of the information would provide an unfair business advantage, and

describing how disclosure of the information is likely to cause it substantial competitive harm.

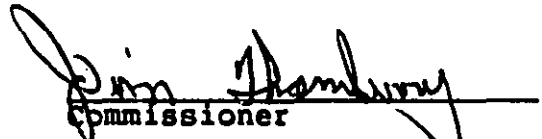
2. If such statement is not filed within 10 days of the date of this Order, the petition for confidentiality shall, without further Orders herein, be denied and the information placed in the public record.

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

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director