

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SOUTH CENTRAL BELL TELEPHONE COMPANY'S )	
APPLICATION FOR APPROVAL OF AN )	CASE NO.
AGREEMENT FOR INTERCONNECTION BY )	90-343
CELLULAR MOBILE CARRIERS )	

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed January 22, 1991 pursuant to 807 KAR 5:001, Section 7, and KRS 61.878 for confidential protection of two cost studies filed in response to the Commission's request no. 9 at the January 7, 1991 informal conference on the grounds that disclosure of the information is likely to cause competitive injury, and it appearing to this Commission as follows:

In this proceeding, South Central Bell seeks approval of a "Cellular Interconnection Letter Agreement" between South Central Bell and Cellular Mobile Carriers operating in this state. The information sought to be protected consists of cost data developed to support the application, is not known outside of South Central Bell, and is not disseminated within South Central Bell except to those employees who have a legitimate business need to know and act upon the information. South Central Bell seeks to preserve the confidentiality of the information through all appropriate means, including the maintenance of security at its offices.

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.

South Central Bell maintains that the information sought to be protected would enable its competitors to determine South Central Bell's capital, operating costs, growth, and contribution for the service which such competitors could use in pricing and marketing their own service. In addition, South Central Bell maintains that cost study no. 890839 contains information that providers of PBX equipment could use in marketing their services. The petition, however, does not identify such competitors or describe how the information could be used by them to South Central Bell's disadvantage. Therefore, the petition cannot be granted without additional information providing specific examples of how competitive injury will result from public disclosure.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. South Central Bell may, within 20 days of the date of this Order, file a supplement to its petition identifying its competitors and describing how such competitors could use the

information sought to be protected to gain an unfair business advantage.

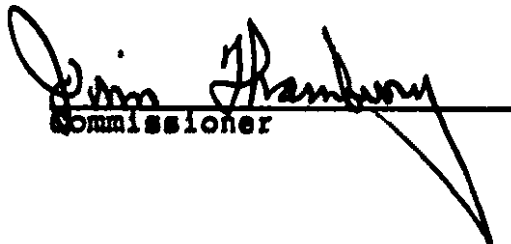
2. If such supplemental petition is not filed within 20 days from the date herein, the petition shall, without further Orders herein, be denied and the material sought to be protected shall be placed in the public record.

Done at Frankfort, Kentucky, this 13th day of March, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director