

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF SOUTH CENTRAL BELL)
TELEPHONE COMPANY FOR CONFIDENTIAL)
TREATMENT OF INFORMATION FILED IN)
SUPPORT OF ITS SPECIAL SERVICE) CASE NO. 91-047
ARRANGEMENT CONTRACT WITH JEFFERSON)
COUNTY GOVERNMENT AND CITIZENS)
FIDELITY BANK OF RICHMOND)

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed January 29, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of cost support data developed in connection with two Digital ESSX contracts for Jefferson County Government and Citizens Fidelity Bank of Richmond on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

In this proceeding, South Central Bell is seeking authority to modify its contracts with Jefferson County Government and Citizens Fidelity Bank of Richmond to provide Digital ESSX features. The contracts were originally filed on January 13, 1989 and June 16, 1988 respectively, and approved by this Commission. The purpose of the modification is to reduce the installation charge for the Line Additive per PDN to reflect reduction in costs resulting from reduced engineering time. The information sought

to be protected consists of the cost support data developed in connection with the two contracts.

The information sought to be protected 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 this information through all appropriate means, including the maintenance of appropriate 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.

Suppliers of PBX equipment compete with South Central Bell by offering a service that has similar features to ESSX. Disclosure of the cost data sought to be protected would give suppliers of such competitors information that they could use to determine South Central Bell's capital, operating costs, and contribution from the service in which they could use to market their competitive service to the detriment of South Central Bell. Therefore, disclosure of the information is likely to cause South

Central Bell competitive injury, and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost support data developed by South Central Bell in support of its request to modify its Digital ESSX with Jefferson County Government and Citizens Fidelity Bank of Richmond, which South Central 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.

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

PUBLIC SERVICE COMMISSION


Chairman
Vice Chairman
Commissioner

ATTEST:


Executive Director