

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 )  
ARRANGEMENT CONTRACT FOR THE CITY )  
OF LOUISVILLE FOR TWO ESSX FEATURES )

CASE NO.  
91-060

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed February 6, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support data developed in connection with a Special Service Arrangement Contract for the City of Louisville 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 approval of a Special Service Arrangement Contract for the City of Louisville for two ESSX features, Direct Station Selection and Camp-on. As part of its application, South Central Bell has petitioned to protect as confidential the cost support developed in connection with this agreement on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury.

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 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 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.

In providing ESSX service, South Central Bell competes with suppliers of PBX equipment. Such competitors could determine from the information South Central Bell's costs and contribution from the service, and could use the information 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.

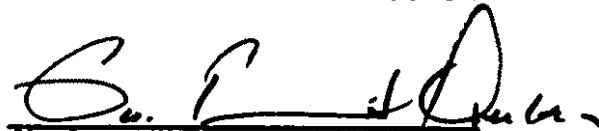
This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost support data developed by South Central Bell in connection with its Special Service Arrangement

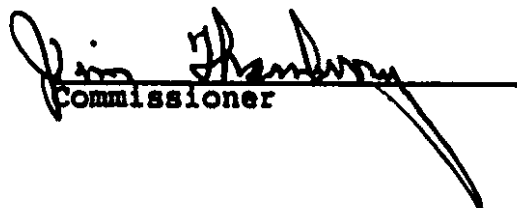
Contract for the City of Louisville, which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 5th day of March, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director