

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	)	CASE NO.
SUPPORT OF ITS SPECIAL SERVICE	)	91-111
ARRANGEMENT CONTRACT WITH DANVILLE	)	
CITY SCHOOLS FOR AN ESSX FEATURE	)	

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed March 8, 1991 for confidential protection of the cost information filed in support of South Central Bell's proposed contract with Danville City Schools 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 seeks approval of a Special Service Arrangement Contract with Danville City Schools for an ESSX Feature, Automatic Route Selection-Deluxe. This feature is associated with Danville City Schools' Digital ESSX Service and will allow the schools to route outgoing calls to predetermined facilities. The information sought to be protected is contained in Attachment 2 to the contract and consists of the cost support data developed in connection with the contract with American National Bank.

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 the information through all appropriate means.

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's competitors for ESSX service are providers of PBX equipment. Virtually every PBX manufactured today provides some type of automatic route selection, including that being offered to Danville City Schools under the proposed contract. Disclosure of the information would give such competitors the ability to determine South Central Bell's costs and contribution from the service which they could use in marketing their own equipment. Thus, 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 the Special Service Arrangement Contract with Danville City Schools for an ESSX Feature, Automatic Route Selection-Deluxe, 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 9th day of April, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director