

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF SOUTH CENTRAL BELL	)	
TELEPHONE COMPANY FOR CONFIDENTIAL	)	CASE NO.
TREATMENT OF ITS FULTON-MAYFIELD	)	91-174
LIGHTWAVE PROJECT REVIEW PACKAGE	)	

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed May 13, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of its Fulton-Mayfield Lightwave Project Review Package 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:

South Central Bell seeks to protect as confidential information contained in its Fulton-Mayfield Lightwave Project Review Package which deals with capital improvements. Specifically, the package shows the total cost of the project, contains forecast information concerning the service, shows the design of South Central Bell's network, and details South Central Bell's decision making process in making capital expenditures.

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 obtains competitive bids from vendors for the purchase of equipment for capital improvements. If these vendors can obtain the total cost budgeted by South Central Bell for this project, they may submit higher bids than they would normally have submitted. The higher prices would, in turn, require South Central Bell to charge higher rates for the services that the equipment will provide and put South Central Bell at a competitive disadvantage to any telecommunications provider who can furnish the same or similar service, and the information is entitled to protection.

The information sought to be protected also includes forecast information. Competitors could use this information to market their own services and, therefore, it should be protected.

The information sought to be protected also includes the design of South Central Bell's network. Competitors could use this information in formulating their own network design to the detriment of South Central Bell and, therefore, it should be protected.

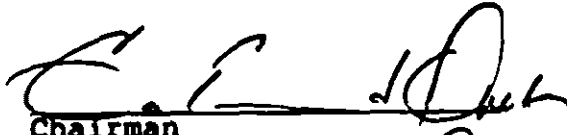
This Commission being otherwise sufficiently advised,

IT IS ORDERED that South Central Bell's Fulton-Mayfield Lightwave Project Review Package, which South Central Bell has petitioned be withheld from public disclosure, shall be held and

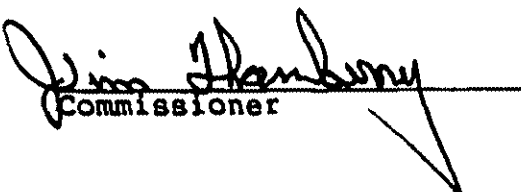
retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 11th day of June, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director