

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)	91-328
ARRANGEMENT CONTRACT WITH UNITED)	
PARCEL SERVICE COMPANY)	

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed August 23, 1991 for confidential protection of the cost support data developed in connection with a Special Service Arrangement Contract with United Parcel Service Company for the provision of a 100 pair diverse copper cable route 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 has contracted with United Parcel Service Company for the provision of a 100 pair diverse copper cable route from the Okolona Service Wire Center to the UPS Air Park. In support of its application, South Central Bell has provided cost data which it seeks to protect as confidential.

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 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.

South Central Bell's competitors for provisioning of alternate routes include alternate service providers of microwave equipment, fiber rings, and small satellites. Disclosure of the cost information would allow such competitors to determine South Central Bell's costs and contribution from the service which they could use to market their competing services 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 with United Parcel Service Company, 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 20th day of September, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director