

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. 91-346
SUPPORT OF ITS DIGITAL ESSX CONTRACT)
ARRANGEMENT WITH CENTRE COLLEGE)

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed August 27, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support data and market analysis developed in connection with South Central Bell's proposed Digital ESSX Contract Arrangement, including a Simplified Message Service Interface service, for Centre College 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 Centre College to provide Digital ESSX service, including a Simplified Message Service Interface service. The service is to be provided under the terms of a contract for which South Central Bell seeks approval. In support of its application, South Central Bell has provided the cost data and market analysis 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 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, 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 ESSX service are providers of PBX equipment. PBX equipment provides the same features as those offered by South Central Bell's ESSX service. Disclosure of the cost information and market analysis would allow providers of PBX equipment to determine South Central Bell's costs and contribution from ESSX service, as well as the potential market for the service, which competitors 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 and market analysis developed by South Central Bell in connection with its Digital ESSX Contract Arrangement with Centre College, 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 30th day of September, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director