

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF CINCINNATI BELL)
TELEPHONE COMPANY FOR CONFIDENTIAL)
TREATMENT OF INFORMATION FILED IN) CASE NO. 91-384
SUPPORT OF ITS PUBLIC PACKET)
SWITCHED NETWORK SERVICES)

O R D E R

This matter arising upon petition of Cincinnati Bell Telephone Company ("Cincinnati Bell") filed September 27, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of its market survey information concluded in Exhibit A to its application on the grounds that disclosure of the information is likely to cause Cincinnati Bell competitive injury, and it appearing to this Commission as follows:

Cincinnati Bell has filed with the Commission a revision to its Private Line Tariff in order to implement Public Packet Switched Network services ("PPSN") for its Kentucky operating territory. In support of the revision, Cincinnati Bell has filed as Exhibit A a five year revenue forecast and cost-of-service study. By this petition, Cincinnati Bell seeks to protect as confidential a market survey included in the exhibit which was conducted by Cincinnati Bell prior to its decision to implement PPSN in Kentucky.

The information sought to be protected is not known outside of Cincinnati Bell and is not disseminated within Cincinnati Bell

except to those employees who have a legitimate business need to know and act upon the information. Cincinnati Bell seeks to preserve and protect 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.

Cincinnati Bell competes with at least two other companies operating on a national scale, including Kentucky, that provide services comparable or equal to PPSN. Both of these companies, Tymnet, Inc. and Telnet, Inc., are enhanced service providers. These competitors could use the market survey information to market their competing service to the detriment of Cincinnati Bell. Therefore, disclosure of the information is likely to cause Cincinnati Bell competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:


1. The market survey information contained in Exhibit A to the revised tariff, which Cincinnati 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.

2. Cincinnati Bell shall, within 20 days of the date of this Order, file edited copies of the information with the confidential material obscured for inclusion in the public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 4th day of November, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director