

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

A REVIEW OF THE RATES AND CHARGES)
AND INCENTIVE REGULATION PLAN OF) CASE NO. 90-256
SOUTH CENTRAL BELL TELEPHONE COMPANY)

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed November 8, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of its Comparison of Financial Results to Budget Year-to-Date Thru September 1991 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:

As part of the Commission's monitoring of South Central Bell's incentive regulation plan, South Central Bell produced at the October 19, 1991 Monitoring Meeting a Comparison of Financial Results to Budget Year-to-Date Thru September 1991. By this petition, South Central Bell seeks to protect this information as confidential on the grounds that disclosure is likely to cause South Central Bell competitive injury.

The information sought to be protected is not generally known outside of South Central Bell and is known only to those South Central Bell employees who have a legitimate business need to know and act upon the information. South Central Bell seeks to

preserve and protect the confidentiality of the information through all appropriate means.

Under 807 KAR 5:001, Section 7, information is protected 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.

Disclosure of the information would cause competitive injury to South Central Bell in that it would provide its competitors with sensitive financial data with respect to certain of South Central Bell's services. Thus, the information should be protected from disclosure.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. South Central Bell's Comparison of Financial Results to Budget Year-to-Date Thru September 1991, 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.


2. South Central Bell shall, within 10 days of the date of this Order, file edited copies of the comparison with the confidential material obscured for inclusion in the public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 13th day of January, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director