

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF AT&T COMMUNICATIONS )  
OF THE SOUTH CENTRAL STATES, INC. )      CASE NO. 91-425  
TO ADJUST RATES AND CHARGES        )

O R D E R

This matter arising upon petition of AT&T Communications of the South Central States, Inc. ("AT&T") filed December 16, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the revenue, cost, and unit volume data contained in the Revenue Analysis attached to AT&T's application as Exhibit A on the grounds that disclosure of the information is likely to cause AT&T competitive injury, and it appearing to this Commission as follows:

AT&T has applied for approval to reprice certain of its General Services and Private Lines Services tariff offerings. The proposed repricing is intended to align rates more closely with costs. In support of its application, AT&T has filed compilations by service category of revenue, cost, and unit volume data which it here seeks to protect as confidential.

The information sought to be protected is not known outside of AT&T and is not disseminated within AT&T except to those employees who have a legitimate business need to know and act upon the information. AT&T seeks to preserve and protect the confidentiality of the information through all appropriate means.

807 KAR 5:001, Section 7, provides that all information filed with the Commission shall be subject to public disclosure unless exempted by statute. KRS 61.878(1) lists 10 categories of information that are exempt from this requirement and entitled to protection. One category of information entitled to protection under Paragraph (b) of that subsection is commercial information confidentially disclosed to the agency. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. 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.

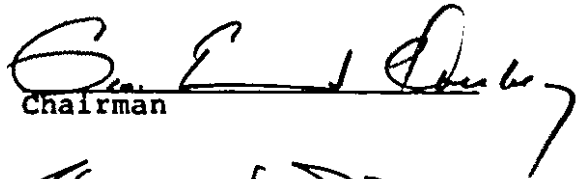
Disclosure of the revenue, cost, and unit volume data which AT&T seeks to protect as confidential would cause competitive injury to AT&T in that it would provide its competitors with the revenue, cost, and unit volume data, all by service category, regarding AT&T's services in Kentucky. Disclosure of this information would allow AT&T's competitors to learn valuable pricing and marketing information which could be used in pricing and marketing competing services to the detriment of AT&T. Therefore, disclosure of the information is likely to cause AT&T competitive injury and the information should be protected as confidential.

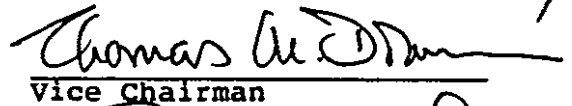
This Commission being otherwise sufficiently advised,

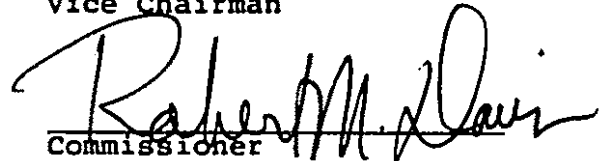
IT IS ORDERED that the revenue, cost, and unit volume data contained in the Revenue Analysis filed in support of AT&T's application, which AT&T has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 9th day of January, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director