

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF AT&T COMMUNICATIONS OF )	
THE SOUTH CENTRAL STATES, INC. FOR )	
CONFIDENTIAL TREATMENT OF )	CASE NO.
INFORMATION FILED IN SUPPORT OF ITS )	92-051
APPLICATION TO INTRODUCE AT&T )	
OPTIMUM SERVICE )	

O R D E R

This matter arising upon petition of AT&T Communications of the South Central States, Inc. ("AT&T") filed February 4, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the revenue, cost and unit volume data contained in the Revenue Analysis filed in support of its proposed new service 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 filed an application to introduce a new service referred to as AT&T OPTIMUM Service, an outbound telecommunications service which permits calling from single or multiple locations of the customer in Kentucky. Intrastate AT&T OPTIMUM Service is an add-on to the Interstate AT&T OPTIMUM Service. AT&T OPTIMUM Service may be provisioned over two different types of access lines. They are Special Access which may be obtained from AT&T or others, and Local Exchange Service

Switched Access which the customer must obtain from the local exchange company.

In support of its tariff for this service, AT&T has filed a Revenue Analysis which it seeks to protect as confidential on the grounds that disclosure of the information is likely to cause AT&T competitive injury. The information sought to be protected is not known outside of AT&T and is known only to those AT&T 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.

Information filed with the Commission is required by KRS 61.872(1), of the Kentucky Open Records Act, to be maintained for public inspection unless specifically exempted by statute. Exemptions from disclosure are provided by KRS 61.878(1). That section of the statute exempts 10 separate categories of information. One of the exemptions included in subparagraph (b) of that section is for certain commercial information confidentially disclosed to a public 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.

The information sought to be protected consists of the revenue, weighted cost and forecasted unit volume information for the proposed new service. Competitors of AT&T could use this information to learn valuable pricing and marketing information which they could use in pricing and marketing competing services to the detriment of AT&T. Therefore, the information has competitive value and should be protected as confidential.

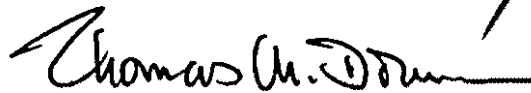
This Commission being otherwise sufficiently advised,

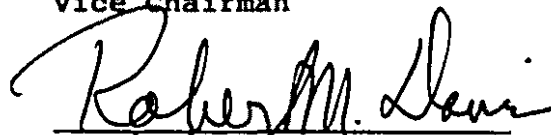
IT IS ORDERED that the revenue, cost and unit volume data contained in AT&T's Revenue Analysis, which AT&T has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 28th day of February, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director