

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SOUTH CENTRAL BELL TELEPHONE )  
COMPANY'S PROPOSED ESSX INTEGRATED ) CASE NO. 92-090  
SERVICES DIGITAL NETWORK TARIFF )

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed March 9, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the revenue, demand, and contribution projections, and cost support information developed in connection with South Central Bell's ESSX Integrated Services Digital Network service ("ESSX ISDN") 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 filed a proposed tariff for its ESSX ISDN service. This service allows simultaneous transmission of voice, data, and packet information over the same access line. In support of its tariff, South Central Bell has filed as Attachments A and D the revenue, demand, and contribution projections, and cost support developed in connection with the service. South Central Bell seeks to protect this information 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 and protect the confidentiality of the information through all appropriate means.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 10 categories of information. One category exempted in subparagraph (b) of that section is commercial information confidentially disclosed to the Commission. 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, demand, and contribution projections, and cost support developed in connection with ESSX ISDN service. ESSX ISDN service is an enhancement of ESSX service and South Central Bell's competitors for ESSX service are providers of PBX equipment. South Central Bell's competitors could use the information sought to be protected to determine South Central Bell's revenues, costs, and contribution, and projected demand for service. Knowledge of this information would enable competitors to better market their competitive service to the detriment of South Central Bell. The

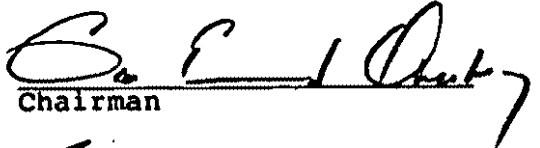
information therefore has competitive value and should be protected as confidential.

This Commission being otherwise sufficiently advised,

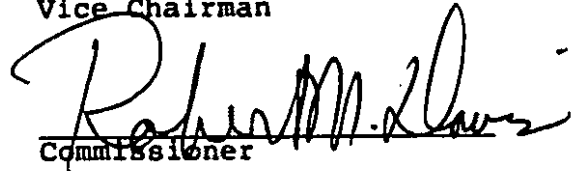
IT IS ORDERED that the commercial information developed by South Central Bell in connection with its ESSX ISDN service, which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 10th day of April, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director