

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PROPOSED INTEGRATED SERVICES)	
DIGITAL NETWORK (ISDN) TARIFF OF)	CASE NO. 92-165
GTE SOUTH INCORPORATED)	

O R D E R

This matter arising upon petition of GTE South Incorporated ("GTE South") filed June 9, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the information included in Attachment A to its response to the Commission's Order of May 19, 1992 on the grounds that it is contractually bound to protect the information, and it appearing to this Commission as follows:

The information included in Attachment A was filed in response to Item 1(a) of the Commission's Order of May 19, 1992. GTE South is contractually bound by an agreement with Bell Communications Research, Inc. to protect the information as confidential and has filed this petition apparently to comply with that agreement.

The petition, however, does not conform to the requirements of the regulation or the statutes under which the regulation was promulgated and therefore must be denied.

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. 807 KAR 5:001, Section 7, requires each person seeking to protect information as confidential to establish that the information sought to be protected falls within one of the exempted categories. The petition filed by GTE South does not identify the statutory exemption under which protection is sought.

The petition filed by GTE South also fails to comply with the requirements of 807 KAR 5:001, Section 7. That regulation requires, among other things, that any person seeking to protect information as confidential file an edited copy for inclusion in the public record with the confidential material obscured. The petition filed by GTE South did not contain an edited copy and therefore did not comply with the regulation.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The petition to protect as confidential Attachment A of GTE South's response to the Commission's Order of May 19, 1992 be and is hereby denied.

2. The information sought to be protected shall be held and retained by this Commission as confidential and shall not be open for public inspection for a period of 20 days from the date of this Order to allow GTE South to file a supplemental petition in accordance with the procedure set forth in 807 KAR 5:001, Section 7.


3. If at the expiration of the 20-day period GTE South has not filed a petition in accordance with the regulation, the

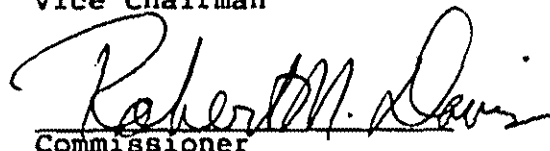
information sought to be protected shall be placed in the public record without further Order of the Commission.

Done at Frankfort, Kentucky this 16th day of June, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director, Acting