

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 29, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of Attachment A to its response to the Commission's Order of May 19, 1992 on the grounds that disclosure of the information is likely to cause GTE South competitive injury, and it appearing to this Commission as follows:

In response to Item 1(a) of the Commission's Order of May 19, 1992, GTE South has described the assumptions, estimation procedures, and results and data used in formulating the model presented in support of the proposed tariff. The information is derived from data provided GTE South by Bell Communications Research, Inc. pursuant to an agreement to maintain the confidentiality of the information. The information is not widely known outside GTE South and its internal use is restricted to only a few employees. GTE South seeks to preserve and protect the confidentiality of the information by 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.

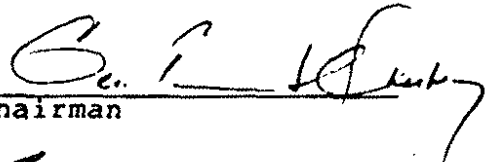
Competitors of GTE South could use the information sought to be protected to determine how it prices its ISDN products and services. Therefore, disclosure of the information is likely to cause GTE South competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

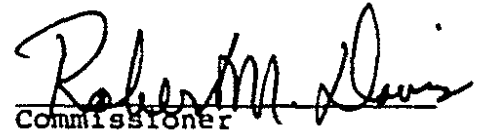
IT IS ORDERED that Attachment A to GTE South's response to the Commission's Order of May 19, 1992, which GTE South has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky this 20th day of July, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director, Acting