

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 July 9, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the information contained in the graph in the "MODEL OFFICE EQUATION and SCIS INVESTMENT TABLE" filed with the Commission on the grounds that disclosure of the information is likely to cause GTE South competitive injury, and it appearing to this Commission as follows:

At the conclusion of an informal conference between GTE South and Commission Staff, the company was requested to provide a copy of a graph entitled "MODEL OFFICE EQUATION and SCIS INVESTMENT TABLE." The information was apparently obtained from Bell Communications Research, Inc. under an agreement which provides that it be protected as confidential. GTE South does not publicly disclose the information and restricts its internal use to those employees who have a business need for it.

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 could use the information sought to be protected to determine how GTE South 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,

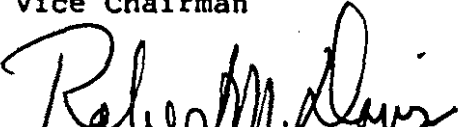
IT IS ORDERED that the information contained in the graph of the "MODEL OFFICE EQUATION and SCIS INVESTMENT TABLE," which GTE South has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 6th day of August, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director