

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF SOUTH CENTRAL BELL)	
TELEPHONE COMPANY FOR CONFIDENTIAL)	CASE NO.
TREATMENT OF INFORMATION FILED IN)	92-236
SUPPORT OF ITS MEGALINK ISDN SERVICE)	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. d/b/a South Central Bell Telephone Company ("South Central Bell") filed June 5, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the revenues, costs, and contribution information contained in Attachments A, D, and E to its proposed tariff 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 is seeking approval of a proposed tariff for a new Private Line service offering called MegaLink ISDN service. In support of its application, South Central Bell has filed information concerning the revenues, costs, and contribution levels associated with its operations in this state. This information is contained in Attachments A, D, and E to its application and, by this petition, South Central Bell seeks to protect the 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 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.

In offering its new MegaLink ISDN service, South Central Bell will compete with alternate service providers of fiber, microwave, and small satellites for the provision of the proposed service. Competitors of South Central Bell could use the information to determine revenues, costs, and contribution levels associated with the operation of South Central Bell in this state. Knowledge of this information would permit competitors to analyze market potential at the expense of South Central Bell. Therefore,

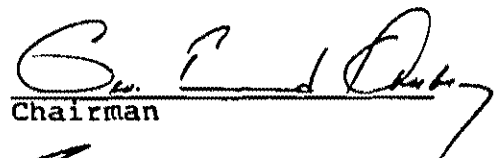
disclosure is likely to cause South Central Bell competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

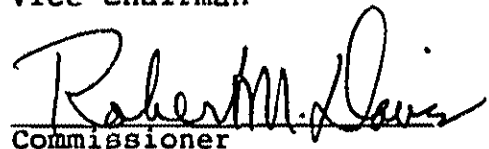
IT IS ORDERED that the revenues, costs, and contribution information contained in Attachments A, D, and E to South Central Bell's proposed tariff, which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky this 23rd day of July, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director, Acting