

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AT&T COMMUNICATIONS OF THE SOUTH)	
CENTRAL STATES, INC. MEGACOM PLUS)	CASE NO. 92-268
SERVICE TARIFF)	

O R D E R

This matter arising upon petition of AT&T Communications of the South Central States, Inc. ("AT&T") filed June 26, 1992 pursuant to 807 KAR 5:001, Section 7, to treat as confidential the revenue, cost, and unit volume data developed in connection with AT&T's proposed MEGACOM Plus Service on the grounds that disclosure of the information is likely to cause AT&T competitive injury, and it appearing to this Commission as follows:

In this proceeding, AT&T has submitted a tariff for a proposed service which it refers to as MEGACOM Plus Service. In support of its tariff, AT&T has filed a Revenue Analysis containing the revenue, cost, and unit volume data which it seeks to protect as confidential.

The information sought to be protected is not known outside of AT&T and is not disseminated within AT&T except to those employees who have a legitimate business need to know and act upon the information. AT&T 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.

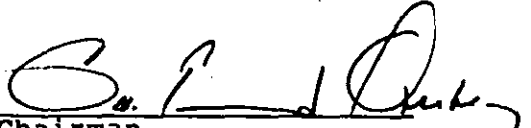
The disclosure of the revenue, weighted cost, and forecasted unit volume information for the proposed service would allow AT&T's competitors to learn valuable pricing and marketing information which could be used in the pricing and marketing of competing services. Therefore, disclosure of the information is likely to cause AT&T competitive injury and the information should be protected as confidential.

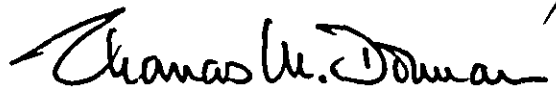
This Commission being otherwise sufficiently advised,

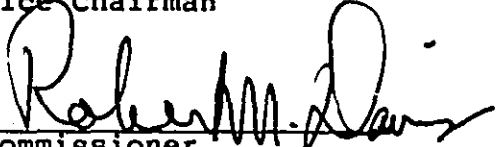
IT IS ORDERED that the revenue, cost, and unit volume data contained in the Revenue Analysis, which AT&T has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 4th day of August, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director, Acting