

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF AT&T COMMUNICATIONS	)	
OF THE SOUTH CENTRAL STATES, INC.	)	CASE NO.
TO REDUCE RATES FOR INTRASTATE	)	92-325
SERVICES	)	

O R D E R

This matter arising upon petition of AT&T Communications of the South Central States, Inc. ("AT&T") filed August 3, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the revenue, cost, and unit volume data filed in support of AT&T's reprice of its General Services Tariff and Customer Network Services Tariff on the grounds that disclosure of the information is likely to cause AT&T competitive injury, and it appearing to this Commission as follows:

AT&T has applied for approval of a proposed reduction of its rates for certain specified services. The reduction is being proposed to flow through the savings to AT&T which are a result of the May 29, 1992 Commission Order in Case No. 90-256<sup>1</sup> approving South Central Bell's access reductions. In support of its application, AT&T has submitted as Attachments A and B revenue, cost, and unit volume data relating to those services. AT&T seeks

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<sup>1</sup> Case No. 90-256, A Review of the Rates and Charges and Incentive Regulation Plan of South Central Bell Telephone Company.

to protect this information as confidential on the grounds that disclosure is likely to cause it competitive injury.

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 information sought to be protected would cause competitive injury to AT&T in that it would provide its competitors with cost and unit volume data, all by service category, regarding AT&T's services in Kentucky. This information would permit competitors to determine the market size of each

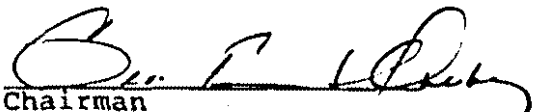
service category. Knowledge of such information would enable AT&T's competitors to target their marketing efforts toward particular service categories to the detriment of AT&T. Therefore, disclosure of the information is likely to cause AT&T competitive injury and the information should be protected as confidential.

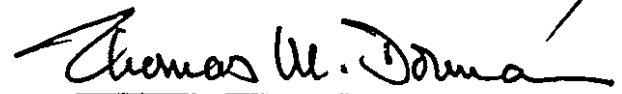
This Commission being otherwise sufficiently advised,

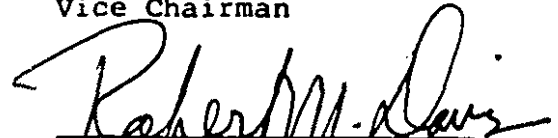
IT IS ORDERED that the revenue, cost, and unit volume data contained in Attachments A and B to AT&T's application, which AT&T has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 25th day of August, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director