

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF AT&T COMMUNICATIONS OF	)	
THE SOUTH CENTRAL STATES, INC. FOR	)	CASE NO.
REDUCED REGULATION OF INTRASTATE	)	92-297
TELECOMMUNICATIONS SERVICES	)	

O R D E R

This matter arising upon petition of AT&T Communications of the South Central States, Inc. ("AT&T") filed February 12, 1993 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the revenue, cost, contribution, and usage data contained in its responses to Items 15 and 16 of the Commission's Order of January 15, 1993 on the grounds that disclosure of the information is likely to cause AT&T competitive injury, and it appearing to this Commission as follows:

As part of its response, Items 15 and 16 of the Commission's Order of January 15, 1993, AT&T has furnished revenue, cost, contribution, and usage data. Specifically, Attachment 2 to Item 15 contains data relating to AT&T's average revenues, variable costs, and relative levels of contribution for each of its services. The Attachment to Item 16 contains data relating to AT&T's usage volumes and revenues on a service-by-service basis, as well as information concerning access cost and contribution levels. AT&T seeks 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 11 categories of information. One category exempted in subparagraph (c) 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.

Disclosure of the information sought to be protected would allow AT&T's competitors to learn valuable market information which is not otherwise available and which could be used in the marketing focus of their competing services. The disclosure would assist competitors in developing a profile of AT&T's services in Kentucky by identifying service-specific demand and profitability. Therefore, disclosure of the information is likely to cause AT&T

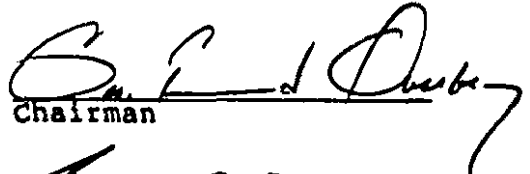
competitive injury and the information should be protected as confidential.

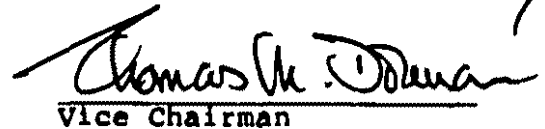
This Commission being otherwise sufficiently advised,

IT IS ORDERED that the revenue, cost, contribution, and usage data contained in Attachment 2 to Item 15 and the Attachment to Item 16 of AT&T's responses to the Commission's Order of January 15, 1993, 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 11th day of March, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director