

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF GTE SOUTH INCORPORATED)	
AND CONTEL OF KENTUCKY, INC. FOR)	
CONFIDENTIAL PROTECTION OF)	CASE NO.
INFORMATION FILED IN SUPPORT OF ITS)	93-167
SPECIAL SERVICE AGREEMENT WITH THE)	
COMMONWEALTH OF KENTUCKY)	

O R D E R

This matter arising upon petition of GTE South Incorporated and Contel of Kentucky, Inc. ("GTE/Contel") filed April 30, 1993 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support data developed in connection with GTE/Contel's Special Service Agreement with the Commonwealth of Kentucky to provide certain services in accordance with GTE/Contel's General Customer Services Tariff on the grounds that disclosure of the information is likely to cause GTE/Contel competitive injury, and it appearing to this Commission as follows:

GTE/Contel has contracted with the Commonwealth of Kentucky to provide certain services in accordance with its Customer Services Tariff. In support of its application for approval of the agreement, GTE/Contel has provided cost data which it seeks to protect as confidential.

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.

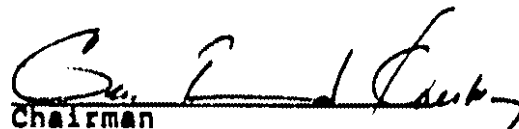
The information sought to be protected would allow competitors of GTE/Contel to determine how it prices its analog and digital 4-wire special transport service, particularly for large users of the service. Therefore, disclosure of the information is likely to cause GTE/Contel competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost support data developed by GTE/Contel in connection with its Special Service Agreement with the Commonwealth of Kentucky, which GTE/Contel 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 7th day of June, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director