

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF)
INFORMATION FILED WITH SOUTH CENTRAL)
BELL TELEPHONE COMPANY'S PROPOSED) CASE NO. 94-122
CONTRACT WITH AT&T COMMUNICATIONS, INC.)
FOR AN OPERATOR ASSISTED PREMIUM PLAN)

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 March 30, 1994, pursuant to 807 KAR 5:001, Section 7, for confidential protection of a revenue analysis developed in connection with a special service arrangement for AT&T Communications, Inc. ("AT&T") for an operator-assisted premium plan 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 has contracted with AT&T to provide an operator-assisted premium plan. This contract will allow a premium to be paid on operator-assisted toll calls originating from a telephone line associated with AT&T's account and terminating within the same LATA. The information sought to be protected consists of the analysis of the revenue to be derived from the contract.

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 legitimate business need to know and act upon the information. South Central Bell seeks to preserve 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.

South Central Bell's competitors for toll and operator services are resellers and alternate operator service companies. The revenue analysis sought to be protected would allow such competitors to determine South Central Bell's cost associated with the service. This information could be used by the competitors to market their competitive service to the detriment of South Central Bell. Therefore, disclosure of the information is likely to cause

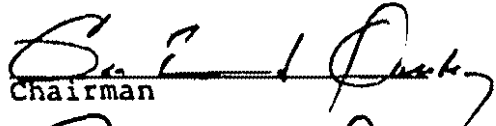
South Central Bell competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the revenue analysis developed in connection with the special service arrangement with AT&T, 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 6th day of May, 1994.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director