

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF)
INFORMATION FILED WITH SOUTH CENTRAL) CASE NO. 94-157
BELL TELEPHONE COMPANY'S PROPOSED)
TARIFF FOR ESSX SERVICES)

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 April 15, 1994, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the revenue, demand, contribution projections, and cost support developed in connection with ESSX, Digital ESSX, and ESSX ISDN service 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 filed a proposed tariff which primarily converts the rates for Caller ID service in the ESSX, Digital ESSX, and ESSX ISDN tariffs from usage sensitive to flat rates. In support of its proposed tariff, South Central Bell has filed revenue, demand, contribution projections, and cost support developed in connection with ESSX, Digital ESSX, and ESSX ISDN service, all of which it seeks to protect as confidential.

The information sought to be protected is not known outside 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.

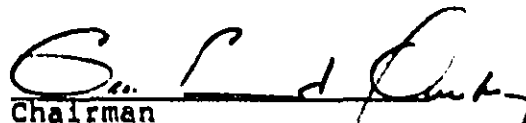
South Central Bell's competitors for ESSX service are providers of PBX equipment. This information will enable such competitors to determine South Central Bell's revenues, cost, contributions, and projected demand for features of the service, which competitors could use to market their competing services 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,

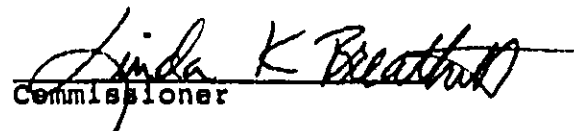
IT IS ORDERED that the revenue, demand, contribution projections, and cost support developed in connection with ESSX, Digital ESSX, and ESSX ISDN service, which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 23rd day of May, 1994.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director