

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF )  
INFORMATION FILED WITH CINCINNATI BELL )  
TELEPHONE COMPANY'S PROPOSED INTEGRATED ) CASE NO. 94-232  
SERVICES DIGITAL NETWORK AT A BASIC )  
RATE INTERFACE (ISDN-BRI) TARIFF )

O R D E R

This matter arising upon petition of Cincinnati Bell Telephone Company ("Cincinnati Bell"), filed June 14, 1994, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost data filed in support of Cincinnati Bell's proposed revisions to its Exchange Rate Tariff, PSCK No. 1 to offer Integrated Services Digital Network at a Basic Rate Interface ("ISDN-BRI") on the grounds that disclosure of the information is likely to cause Cincinnati Bell competitive injury, and it appearing to this Commission as follows:

Cincinnati Bell has filed proposed revisions to its exchange rate tariff to include ISDN-BRI service. This service will provide subscribing customers with a means to transmit information digitally at high rates of speed. By this petition Cincinnati Bell seeks to protect as confidential the cost data developed in support of the proposed service.

The information sought to be protected is not known outside of Cincinnati Bell and is known only to those employees of Cincinnati Bell who have a legitimate business need to know and act upon the

information. Cincinnati Bell 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.

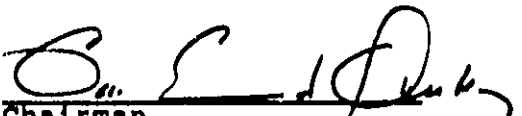
Cincinnati Bell faces possible competition for exchange access services, such as ISDN-BRI, from companies such as Time Warner, AxS, MCI Metro, and others. Disclosure of the cost support information would allow such competitors to determine Cincinnati Bell's cost and contributions from ISDN-BRI service which they could utilize in developing competing marketing strategies. Therefore, disclosure of the information is likely to cause Cincinnati Bell competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost information developed in connection with Cincinnati Bell's proposed revision to its Exchange Rate Tariff to offer ISDN-BRI, which Cincinnati 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 20th day of July, 1994.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director