

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. 94-249
CONTRACT WITH METROPOLITAN SEWER)
DISTRICT)

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 June 29, 1994, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support data developed in connection with South Central Bell's special service arrangement with Metropolitan Sewer District for Native Mode Lane Interconnection Service ("NMLI") 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 the Metropolitan Sewer District to provide NMLI service. The Metropolitan Sewer District currently occupies several locations in the Louisville area where it has local area networks ("LAN") in place. NMLI service will allow the Metropolitan Sewer District to connect these remote LANS and allow communication among them.

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 protect and preserve 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.


NMLI service is an alternative to dedicated private line network service. Competitors for this service are providers of fiber networks. Such competitors could use the information sought to be protected to determine South Central Bell's cost and contributions from 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 cost support data developed by South Central Bell in connection with its proposed special service arrangement contract with the Metropolitan Sewer District for NMLI 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 3rd day of August, 1994.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director