

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 REVISIONS) CASE NO. 94-358
TO EXCHANGE RATE TARIFF, PSCK NO. 1)
TO OFFER TRUNK ADVANTAGE™ SERVICE)

O R D E R

This matter arising upon petition of Cincinnati Bell Telephone Company ("Cincinnati Bell"), filed September 23, 1994, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support information developed in connection with its proposed tariff revisions to offer TRUNK Advantage Service 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 proposes to revise its tariff to offer TRUNK Advantage Service. In support of the new tariff, Cincinnati Bell has filed cost data which it seeks to protect as confidential.

The information sought to be protected is not known outside Cincinnati Bell and is not disseminated within Cincinnati Bell except to those employees 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.


TRUNK advantage is one of the exchange access services offered by Cincinnati Bell. Competition for the service comes from companies who have declared their intent to enter into the switched access market. The information sought to be protected would enable such companies to determine Cincinnati Bell's cost and contribution from the service which competitors could then use in devising market entry plans and provisioning and pricing strategies to counter those of Cincinnati Bell. 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,

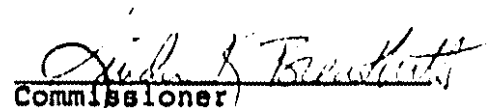
IT IS ORDERED that the cost information filed in support of Cincinnati Bell's revisions to its exchange rate tariff, which Cincinnati Bell has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 18th day of October, 1994.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director