

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. 95-155
TO GENERAL EXCHANGE TARIFF, PSCK NO. 3)
TO OFFER BROADBAND CONNECT SERVICE)

O R D E R

This matter arising upon petition of Cincinnati Bell Telephone Company ("Cincinnati Bell"), filed April 6, 1995, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost data filed in support of its proposed tariff for Broadband Connect 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:

In this proceeding Cincinnati Bell seeks approval of its proposed tariff for Broadband Connect, a service which provides high-speed digital transport of data. In support of its application Cincinnati Bell has provided cost information which it seeks to protect as confidential.

The cost information sought to be protected is not known outside of 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, including the maintenance of appropriate security at its offices.

KRS 61.878(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 several categories of information. One category exempted in paragraph (c)1 of that section is commercial information confidentially disclosed to the Commission which if made public would permit an unfair commercial advantage to competitors of the party from whom the information was obtained. To qualify for the exemption, 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.

As a special access service providing high-speed digital transport of data, Broadband Connect faces competition from companies such as Time Warner AxS, MCI Metro, FiberNET, and other companies in the special access market. Disclosure of the cost support data would enable competitors to determine Cincinnati Bell's cost and contribution from the proposed service which they could utilize to plan market entry, to devise pricing strategies, and to provide the service, all to the detriment 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 the proposed tariff for Broadband Connect Service, 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 24th day of April, 1995.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director