

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF)	
THE COST MATERIAL FILED WITH SOUTH)	
CENTRAL BELL TELEPHONE COMPANY'S)	CASE NO. 95-242
PROPOSED CONTRACT WITH KENTUCKY BUSINESS)	
REPAIR CENTER FOR REMOTE ACCESS TO CALL)	
FORWARDING VARIABLE)	

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 May 31, 1995, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support data developed in connection with a special service arrangement contract with Kentucky Business Repair Center for the provision of Remote Activation of Call Forwarding Variable 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 contracted with the Kentucky Business Repair Center to provide Remote Activation of Call Forwarding Variable Service. This service provides the capability to activate and deactivate Call Forwarding Service from a remote location. In support of its application for approval of the contract South Central Bell has provided cost data which it seeks to protect as confidential.

The information sought to be protected is not known outside of 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 and protect the information through all appropriate means, including the maintenance of appropriate security at its offices.

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 subsection of the statute exempts several categories of information. One category exempted in paragraph (c)1 of that subsection 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.

Remote Access to Call Forwarding Service is a feature of South Central Bell's Digital ESSX® Service. Competitors for ESSX Service are providers of PBX equipment. PBX equipment offers the same features as ESSX Service. Disclosure of information sought to be protected would enable such competitors to determine South Central Bell's costs and contribution from ESSX Service, which they could

use in marketing their competing services. Therefore, disclosure of this 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 filed in support of the proposed contract with Kentucky Business Repair Center, which South Central 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 6th day of July, 1995.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director