

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF	)	
INFORMATION FILED WITH SOUTH CENTRAL	)	CASE NO. 95-244
BELL TELEPHONE COMPANY'S PROPOSED TARIFF)	)	
FOR ZipCONNECT <sup>SM</sup> SERVICE	)	

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 2, 1995, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the revenue, sales, and contribution projections and cost support data filed in support of a proposed tariff for Block Group Routing, Report and Special Studies and an option for volume discounts for the per call charge to ZipCONNECT<sup>SM</sup> 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:

In this proceeding South Central Bell has proposed revisions to its General Subscriber Services Tariff. The revisions add Block Group Routing, Reports and Special Studies, and an option for volume discounts for the per call charge to ZipCONNECT<sup>SM</sup> Service. In support of the proposed tariff, South Central Bell has filed revenue, sales, and contribution projections and cost support 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 confidentiality of 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.

South Central Bell's competitors for the services offered under the proposed tariff are providers of single number service. This would include interexchange carriers, as well as other telecommunication carriers. Disclosure of the information would enable these competitors to determine South Central Bell's cost and contribution from the service, which they could use in marketing their competing services. Therefore, disclosure of the information

is likely to cause South Central Bell competitive injury and the information should be protected as confidential.

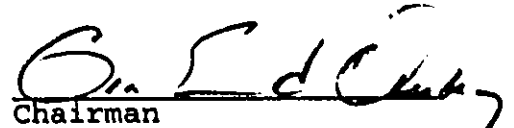
South Central Bell also maintains that the cost study for ZipCONNECT<sup>SM</sup> Service contains vendor specific pricing. Disclosure of the information would violate non-disclosure agreements and would impair South Central Bell's ability to contract for goods or services on favorable terms. However, because it has been determined that disclosure of the information is likely to benefit its competitors and is, therefore, entitled to protection, the effect that disclosure would have upon South Central Bell's ability to contract for goods and services need not be addressed.

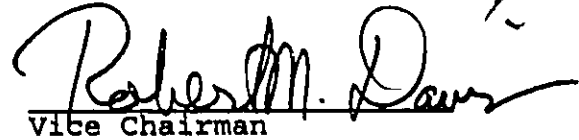
This Commission being otherwise sufficiently advised,

IT IS ORDERED that the revenue, sales, and contribution projections and cost support data developed in connection with South Central Bell's proposed tariff to add Block Routing Reports and Special Studies, and an option for volume discounts for the per call charge to ZipCONNECT<sup>SM</sup> Service, 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