

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE TARIFF FILING OF SOUTH CENTRAL BELL )	
TELEPHONE COMPANY TO INTRODUCE )	CASE NO. 95-333
MULTISERV™ AND MULTISERV PLUS™ SERVICES )	
REPLACING ESSX AND DIGITAL ESSX SERVICES)	

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 August 2, 1995, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support data, revenue estimates, and contribution estimates developed in connection with the introduction of MultiServ™ and MultiServ PLUS™ 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 filed proposed tariffs for MultiServ™ and MultiServ PLUS™, two new services which it has developed. MultiServ™ is designed for customers with two or more lines while MultiServ PLUS™ is for customers with 10 or more lines. Both include rate elements for connecting a customer's premises to the serving central office, as well as various new feature packages from which the customer can choose. In support of the proposed tariffs, South Central Bell has provided, in Attachments A, C, and D, cost information, revenue estimates, and contribution estimates developed 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.

Competitors for MultiServ™ and MultiServ PLUS™ Services are providers of PBX and other customer premises equipment. Public disclosure of the information sought to be protected would enable such competitors to determine South Central Bell's cost and contribution from the services, which they could use in marketing


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, revenue estimates, and contribution estimates developed with the introduction of MultiServ™ and MultiServ PLUS™ 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 29th day of August, 1995.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director