

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF )  
INFORMATION FILED WITH BELLSOUTH TELE- )  
COMMUNICATIONS, INC.'S PROPOSED CONTRACT )  
WITH BELLSOUTH MOBILITY, INC. FOR ESSX® )  
ISDN AND DIGITAL ESSX® FEATURES )

CASE NO. 95-493

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc., d/b/a South Central Bell Telephone Company ("BellSouth"), filed November 6, 1995, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support data developed in connection with four special service arrangement contracts with BellSouth Mobility, Inc. on the grounds that disclosure of the information is likely to cause BellSouth competitive injury, and it appearing to this Commission as follows:

BellSouth has contracted with BellSouth Mobility, Inc. to provide certain services which are features of its ESSX® ISDN and its Digital ESSX® services. The services are to be provided under four separate contracts. The first contract provides a feature activation rate for the provision of ESSX® ISDN over the channelized MegaLink circuit. Although there is an activation rate currently in the MegaLink channel service tariff, the tariff rate does not include an element for ESSX® ISDN.

The second contract provides rates for a Music on Hold feature, the third contract provides rates for BellSouth to

automatically forward calls on secondary directory numbers, and the fourth contract provides rates for a Member Make Busy feature. All of these features will be utilized in an automatic answering arrangement associated with the ESSX® ISDN lines. In support of its application to approve the contracts, BellSouth has provided cost data which it seeks to protect as confidential.

The information sought to be protected is not known outside of BellSouth and is not disseminated within BellSouth except to those employees who have a legitimate business need to know and to act upon the information. BellSouth 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.

BellSouth's competitors for ESSX® service are providers of PBX equipment. Disclosure of the information sought to be protected would enable BellSouth's competitors to determine BellSouth's cost and contribution from the service, which they could use to market their competing services to the detriment of BellSouth. Therefore, disclosure of the information is likely to cause BellSouth competitive injury and the information should be protected as confidential.

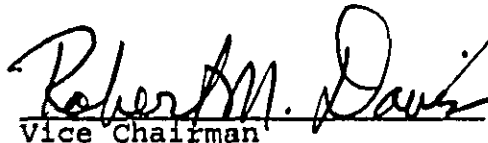
This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost support data filed in support of the proposed contracts with BellSouth Mobility, Inc., which BellSouth 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 30th day of November, 1995.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director