

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF)	
INFORMATION FILED WITH BELL SOUTH)	
TELECOMMUNICATIONS, INC. ON BEHALF OF)	
THE LOCAL EXCHANGE CARRIER TELEPHONE)	CASE NO. 95-503
GROUP FOR THE KENTUCKY INFORMATION)	
HIGHWAY AND COMMUNICATION SERVICES)	
RFP ET-41-95)	

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 10, 1995, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost information filed in support of the proposed addendum to the contract with the Commonwealth of Kentucky for services on the Kentucky Information Highway on the grounds that disclosure of the information is likely to cause BellSouth competitive injury, and it appearing to this Commission as follows:

BellSouth, together with the other local exchange companies operating in this state, have formed a telecommunications partnership called the Local Exchange Carrier Telephone Group ("LECTG"). The LECTG has contracted with the Commonwealth of Kentucky to provide statewide access to the Kentucky Information Highway and Communication Services. On November 10, 1995, BellSouth, on behalf of the LECTG, filed a proposed addendum to the state contract which will enable eligible state contract customers

to purchase DSO Frame Relay from the existing LECTG contract. In support of the proposed addendum, BellSouth, on behalf of the LECTG, has filed cost information 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 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, as well as the other local exchange carriers, competes with interexchange carriers in the frame relay market.


Public disclosure of the supporting cost study would provide such competitors with demand and revenue estimates that would enable them to analyze market potential at the expense of BellSouth and the local exchange companies that form LECTG. 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 information filed in support of the proposed addendum to the contract between LECTG and the Commonwealth of Kentucky, 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 20th day of December, 1995.

PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman


Commissioner

ATTEST:


Executive Director