

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BELLSOUTH TELECOMMUNICATIONS, INC.'S)
PROPOSED EXPANSION OF ITS AREA CALLING) CASE NO. 95-537
SERVICE TARIFF)

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc., d/b/a South Central Bell Telephone Company ("BellSouth"), filed December 1, 1995, pursuant to 807 KAR 5:001, Section 7, for confidential protection of certain call data filed in support of its proposed tariff revisions on the grounds that disclosure of the information is likely to cause BellSouth competitive injury, and it appearing to this Commission as follows:

In this proceeding, BellSouth proposed to revise its tariff to expand Area Calling Service ("ACS") by adding local calling areas in 52 exchanges, and to introduce ACS in 49 new exchanges. In support of the revisions, BellSouth has filed call 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 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.

The call data sought to be protected identifies current volumes of long-distance messages. With the expansion of competition on intraLATA toll routes, this information could be used by BellSouth's competitors to evaluate the size of a market in these exchanges and allow them to direct their marketing efforts to those markets they deem most desirable. 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 call data filed in support of the proposed tariff revision, 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 16th day of January, 1996.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director