

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) CASE NO. 96-047
MODIFICATIONS TO THE ACCESS SERVICES)
TARIFF)

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. ("BellSouth"), filed February 13, 1996, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the demand, revenue, and cost support studies 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 has proposed revisions in its tariff. The provisions would add DS1 channel interface rate elements to the Optional Features and Functions for Special Access, High Capacity services. In support of its application, BellSouth has filed demand, revenue, and cost support 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 office.

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 proposed tariff revisions add DS1 channel interface rate elements to the Optional Features and Functions for Special Access, High Capacity services. The addition of these rate elements to the tariff allows the interconnection of DS1 service to higher order DS3 services without existing Individual Case Basis arrangements. BellSouth's competitors for High Capacity services are alternate access providers such as ACSI, MFS, and IntelCom Group. Disclosure of the information 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.

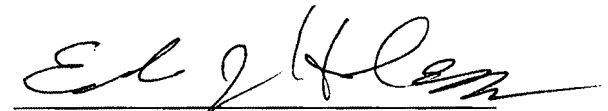
This Commission being otherwise sufficiently advised,

IT IS ORDERED that the demand, revenue, and cost support information filed in support of the proposed tariff revisions, 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 14th day of March, 1996.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director