COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF	)	
INFORMATION FILED WITH BELLSOUTH	)	
TELECOMMUNICATIONS, INC.'S PROPOSED	)	CASE NO. 96-073
ADDITIONAL LINE/GET ACQUAINTED OFFER	)	
PROMOTION	)	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. ("BellSouth"), filed February 26, 1996, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the revenue and cost support data developed in connection with a proposed residential additional line and get acquainted offer promotion on the grounds that disclosure of the information is likely to cause BellSouth competitive injury, and it appearing to this Commission as follows:

BellSouth is planning a program to promote some of its services now available to its residential customers. As part of the promotion, residential customers ordering an additional line will receive an $18.00 credit that can be applied to their telephone bill or applied towards the purchase of a telephone set. In addition, the promotion will include a "Get Acquainted Offer" which will provide incentives to residential customers to purchase Caller ID Deluxe, Three-Way Calling, Call Return, MemoryCall® Service, and Call Waiting. In support of its planned promotion, BellSouth has filed 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 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.

The services included in the plan promotion are part of the basic exchange services that BellSouth provides to its residential customers. As noted in its motion for reconsideration filed in Case No. 95-565,[1] which motion BellSouth incorporates in its

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[1]   Case No. 95-565, Request for Confidential Treatment of Information filed with BellSouth Telecommunications, Inc.'s Proposed Additional Line Promotion.
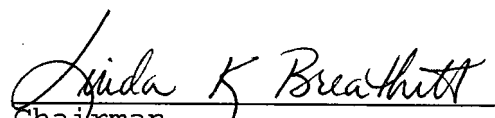
petition, BellSouth not only faces competition with additional line services offered in its "Get Acquainted Offer," there is a substantial likelihood that, pursuant to federal law, BellSouth's local exchange service soon will be subject to full competition. Consequently, disclosure of the underlying cost of the services included in the "Get Acquainted Offer" would permit an unfair commercial advantage to BellSouth's competitors, and the information is entitled to protection.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the petition to protect as confidential the revenue and cost support data, developed in connection with BellSouth's proposed residential additional lines and get acquainted offer, 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.

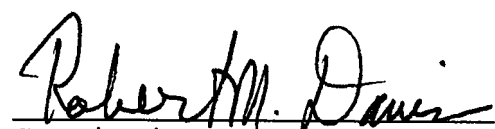Done at Frankfort, Kentucky, this 16th day of April, 1996.

PUBLIC SERVICE COMMISSION

Chairman

Vice Chairman

ATTEST:

Executive Director

Commissioner