

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST OF BELLSOUTH )  
TELECOMMUNICATIONS, INC. FOR )  
CONFIDENTIAL TREATMENT OF THE )  
COST SUPPORT MATERIAL FILED )  
WITH THE FRAME RELAY SERVICE ) CASE NO. 96-147  
AND BROADBAND EXCHANGE LINE )  
SERVICE CONTRACT WITH )  
PULMONARY AND INTERNAL )  
MEDICINE ASSOC. FILED WITH )  
THE COMMISSION ON APRIL 9, 1996 )

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. ("BellSouth"), filed April 10, 1996, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support data developed in connection with BellSouth's special service arrangement contract with Pulmonary and Internal Medicine Assoc. for Frame Relay Service and Broadband Exchange Line Service 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 Pulmonary and Internal Medicine Assoc. to provide Frame Relay Service and Broadband Exchange Line Service. Frame Relay Service is a packet data offering. Broadband Exchange Line Service connects the Frame Relay Service to the customer's premises. In support of its application for approval of the contract, BellSouth has provided cost information which it seeks to protect as confidential.

The information sought to be protected is not known outside 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.

Frame Relay Service, as a packet data offering, competes with similar services offered by providers of competitive private line networks. These include providers of microwave service, digital radio and fiber networks. Disclosure of the information would allow such competitors to determine BellSouth's cost and contribution from the service which they could use in marketing 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,

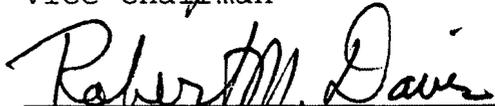
IT IS ORDERED that the cost support data developed in connection with a special service arrangement contract with Pulmonary and Internal Medicine Assoc. for Frame Relay Service and Broadband Exchange Line Service, which BellSouth has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 10th day of May, 1996.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director