

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT)
OF THE COST SUPPORT MATERIAL FILED)
WITH THE FRAME RELAY SERVICE AND)
BROADBAND EXCHANGE LINE SERVICE) CASE NO. 96-191
CONTRACT WITH PIKEVILLE NATIONAL)
CORPORATION FILED WITH THE COMMISSION)
ON MAY 6, 1996)

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc., ("BellSouth"), filed May 6, 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 Pikeville National Corporation 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 Pikeville National Corporation to provide Frame Relay Service and Broadband Exchange Line Service. Frame Relay Service is a packet data offering. The service utilizes the Broadband Exchange Line Service to provide connectivity 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 Pikeville National Corporation, 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 11th day of June, 1996.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director