

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT )  
OF THE COST SUPPORT MATERIAL FILED )  
WITH THE CONTRACT ARRANGEMENT FOR ) CASE NO. 96-235  
BANC ONE OF KENTUCKY FILED WITH THE )  
COMMISSION ON MAY 29, 1996 )

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. ("BellSouth"), filed May 29, 1996, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support data developed in connection with a special service arrangement contract with Banc One for Fiber Distributed Data Interface LAN Interconnection ("FDDI") 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 Banc One to provide FDDI. In support of its application, BellSouth has provided cost data 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.

FDDI is an alternative to dedicated private line networks. BellSouth's competitors for this service are providers of fiber networks. Disclosure of the information sought to be protected would enable such 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 cost support data filed in support of a special service arrangement contract with Banc One for FDDI, 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 28th day of June, 1996.

PUBLIC SERVICE COMMISSION

Linda K. Breathitt  
Chairman

[Signature]  
Vice Chairman

Robert M. Davis  
Commissioner

ATTEST:

Don Mills

Executive Director