

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. 96-236  
CELLCALL NETWORK 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 for the special service arrangement contract for CellCall Network ("CellCall") for Dual-Tone Multifrequency ("DTMF") signaling on a Type 1 trunk 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 entered into a contract with CellCall Network to provide DTMF signaling on a Type 1 two-way trunk. DTMF is currently offered as a tariffed service for trunks, but is not offered as a tariffed service for two-way trunks. In support of its application to approve the agreement, 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 for 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.

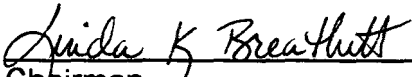
It is expected that DTMF signaling will be provided by alternate local service providers when local competition is authorized. Disclosure of the cost information would enable potential competitors to determine BellSouth's contribution from the service which they could use in marketing their competing 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.

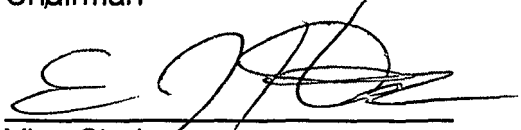
This Commission being otherwise sufficiently advised,

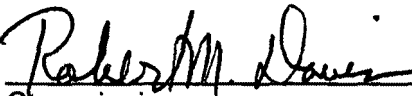
IT IS ORDERED that the cost data filed in support of the proposed contract with CellCall for DTMF, which BellSouth has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 28th day of June, 1996.

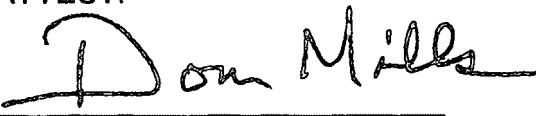
PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director