

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF)
THE COST SUPPORT MATERIAL FILED WITH)
THE PROPOSED TARIFF OF BELLSOUTH)
TELECOMMUNICATIONS, INC., FOR AN)
ENHANCEMENT TO CALL FORWARDING DON'T)
ANSWER (CFDA) CALLED CALL FORWARDING)
DON'T ANSWER - RING CONTROL FILED WITH)
THE COMMISSION ON JUNE 14, 1996)

CASE NO. 96-325

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. ("BellSouth"), filed July 10, 1996, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost studies filed in support of its proposed tariff revision 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 proposed a revision to its tariff which will add Ring Control to Call Forwarding Don't Answer, one of BellSouth's custom calling services. In support of the proposed revision, BellSouth has filed cost studies 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 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.

Competitors for custom calling services include interexchange carriers such as AT&T who are seeking to enter the local exchange market. Disclosure of the cost information would reveal to such competitors BellSouth's cost in providing custom calling services and enable them to determine the price or rate below which BellSouth could not provide the services. This information would be useful to competitors in formulating strategic plans for entry, pricing, marketing and overall business strategies concerning these services. 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 study filed in support of the proposed tariff revision, 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 29th day of July, 1996.

PUBLIC SERVICE COMMISSION

Ayida K. Breathitt
Chairman

[Signature]
Vice Chairman

Robert M. Davis
Commissioner

ATTEST:

[Signature]
Executive Director