

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 MOSBY'S) CASE NO. 96-336
WRECKER SERVICE FILED WITH THE)
COMMISSION ON JULY 15, 1996)

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. ("BellSouth"), filed July 15, 1996, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support data developed in connection with BellSouth's proposed special service arrangement with Mosby's Wrecker Service for Call Forwarding Variable Multiple Simultaneous Calls Associated with a 1A analog office 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 Mosby's Wrecker Service to provide Call Forwarding Variable Multiple Simultaneous Calls associated with a 1A analog office. In support of its application for approval of the contract, BellSouth has provided cost data 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 act upon the information. BellSouth seeks to preserve and protect the confidentiality of the information through all appropriate means.

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.

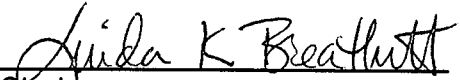
BellSouth's competitors for the service offered are providers of customer premises equipment and PBX systems. Disclosure of the cost data sought to be protected would allow such competitors to determine BellSouth's cost and contribution from the proposed service, which competitors could use to market 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,

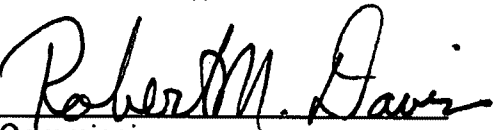
IT IS ORDERED that the cost support data developed by BellSouth in connection with its proposed special service arrangement with Mosby's Wrecker Service for Call Forwarding Variable Multiple Simultaneous Calls associated with a 1A analog office, which BellSouth has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 13th day of August, 1996.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director