

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BELLSOUTH TELECOMMUNICATIONS, INC.'S )  
REQUEST FOR CONFIDENTIAL TREATMENT ) CASE NO. 96-375  
OF INFORMATION FILED IN SUPPORT OF ITS )  
CONTRACT WITH PNC BANK )

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. ("BellSouth"), filed August 7, 1996, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost data filed in support of its proposed contract with PNC Bank for LightGate®, MegaLink®, Channelized MegaLink®, ISDN-Primary Rate Interface, SynchroNet®, Local-Trunks/Hunting/DID, Off-Premise Extension, and Unmonitored LAN Interconnection 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 PNC Bank to provide LightGate®, MegaLink® and MegaLink® Channel Service, ISDN-Primary Rate Interface, SynchroNet®, Local-Trunks/Hunting/ DID, Off-Premise Extension, and Unmonitored LAN Interconnection. In support of its application for approval of the contract, BellSouth has filed cost information 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 appropriated 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.

BellSouth's competitors for the services covered by the contract are interexchange carriers, competitive access providers and providers of microwave service, digital radio and fiber networks. Disclosure of the information would enable its competitors to determine the price or rate below which BellSouth could not provide the services. BellSouth's competitors could use this information in marketing their competing services by formulating strategic plans for entry, pricing, marketing and overall business strategies. 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 information filed in support of the proposed contract with PNC Bank for the services enumerated above, 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 23rd day of September, 1996.

PUBLIC SERVICE COMMISSION

Linda K. Breathitt  
Chairman

E. J. [Signature]  
Vice Chairman

Robert M. Davis  
Commissioner

ATTEST:

Don Mills  
Executive Director