

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BELLSOUTH TELECOMMUNICATIONS, INC.'S )  
REQUEST FOR CONFIDENTIAL TREATMENT )  
OF INFORMATION FILED IN SUPPORT OF ITS ) CASE NO. 96-412  
CONTRACT ARRANGEMENT WITH AT&T )  
EASYLINK SERVICES )

ORDER

This matter arising upon petition of BellSouth Telecommunications, Inc. ("BellSouth"), filed August 23, 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 contract with AT&T EasyLink Services for Multiple Simultaneous Call Forwarding Busy Line from a multiline hunt group to an 800 number associated with MultiServ<sup>SM</sup> 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 entered into a contract with AT&T EasyLink Services for provisions of Multiple Simultaneous Call Forwarding Busy Line from a multiline hunt group to an 800 number associated with a customer's MultiServ<sup>SM</sup> Service. 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 of BellSouth and is not disseminated within BellSouth except to those employees who have a legitimate 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 injury should be protected as confidential.

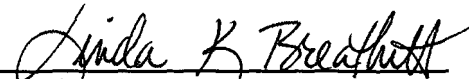
This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost support data developed by BellSouth in connection with its proposed service arrangement with AT&T EasyLink Services for Multiple Simultaneous Call Forwarding Busy Line from a multiline hunt group to an 800 number associated with MultiServ<sup>SM</sup> Service, which BellSouth has petitioned to be withheld from

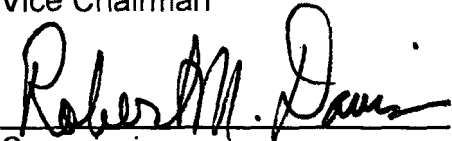
public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 27th day of September, 1996.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director