

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 )  
CONTRACT WITH DIGITAL COURIER ) CASE NO. 96-417  
INTERNATIONAL FOR WKYQ-F FOR )  
INTEGRATED SERVICES DIGITAL NETWORK - )  
BUSINESS SERVICE (IBS) )

O R D E R

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 a special service arrangement contract with WKYQ-F for Integrated Services Digital Network - Business Service ("IBS") 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 WKYQ-F to provide IBS. This service is a tariffed service, but is only available on qualified facilities. Provision of the service will require deployment of a mid-span repeater in the customer's outside plant facility. 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

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 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.

IBS allows business customers to transmit voice and data over ISDN channels through the exchange network. This service is an alternative to other local exchange service offerings, private line and data services, and dedicated private line networks. BellSouth's competitors for local exchange service are alternate access providers.<sup>1</sup> BellSouth's competitors for private line and data services and networks are

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<sup>1</sup> In its petition BellSouth also maintains that cellular carriers and cable TV providers are also its competitors for local exchange service and that Personal Communication Services (PCS) will soon provide such competition. While cellular carriers do provide local service to their customers and PCS will soon provide such service, they serve a distinct market from that served by BellSouth and they do not provide effective competition for local service. Similarly, cable TV providers do not provide effective competition in the local market because they are unable to offer two-way transmission of information.

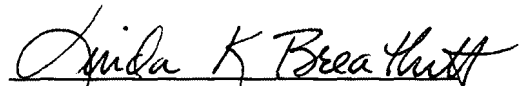
interexchange carriers, resellers, and vendors of microwave, digital radio, fiber, VSAT, and other wireless equipment and services. Disclosure of the information sought to be protected would enable competitors to determine BellSouth's cost and contribution from the service, which they could use in marketing 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,

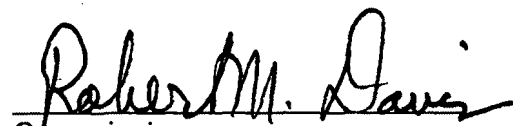
IT IS ORDERED that the cost support data filed in support of the proposed contract with WKYQ-F for IBS, which BellSouth has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 26th day of September, 1996.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director