

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. 96-455  
PROPOSED TARIFF FOR COIN REFUND )  
SERVICE )

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. ("BellSouth"), filed September 16, 1996, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support data developed in connection with BellSouth's proposed tariff for Coin Refund Service ("CRS") 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 filed revisions to its tariff which introduced CRS. CRS provides the handling of refund requests and repair referrals generated by the end-users of Independent Payphone Provider ("IPP") public telephones. This service allows end-users to request a refund for coins lost during an attempt to place a telephone call from a public telephone owned by an IPP or to report problems with such telephones. In support of the new tariffs, BellSouth has provided cost support 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 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 CRS are IPP's themselves or alternate operator service companies which provide operator services to the IPP's. Disclosure of the cost information would enable BellSouth's competitors to determine the price or rate below which BellSouth could not provide the service. BellSouth's competitors could use this information in marketing their competing service.

Additionally, the information reflects vendor specific prices negotiated by BellSouth. Disclosure of this information would impair BellSouth's ability to contract for goods or services on favorable terms in the future. Therefore, disclosure of the information is likely to cause BellSouth competitive injury and the information should be protected as confidential.

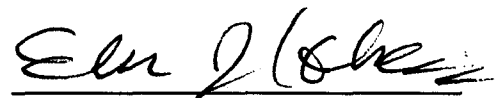
This Commission being otherwise sufficiently advised,

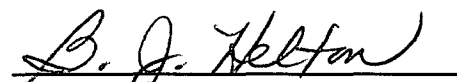
IT IS ORDERED that the cost support data developed in connection with BellSouth's proposed tariffs for CRS, which BellSouth has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 28th day of October, 1996.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director