

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. 96-473  
PROPOSED TARIFF FOR FLEXIBLE CALL )  
FORWARDING SERVICE )

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. ("BellSouth"), filed October 1, 1996, pursuant to 807 KAR 5:001, Section 7, for confidential protection of cost support data developed in connection with a new service called Flexible Call Forwarding, 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 proposed tariffs for a new service called Flexible Call Forwarding for its residence and business customers. Flexible Call Forwarding provides a variety of call forwarding and routing capabilities for incoming calls. The service combines new features with features currently provided in existing services. In support of its proposed tariff, BellSouth has provided revenue and 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 are other telecommunications companies that are seeking to enter the local exchange market. Disclosure of the information sought to be protected would provide such competitors with cost and market information which they could use in developing competitive market strategies 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 revenue cost support data developed in connection with the proposed tariff for Flexible Call Forwarding, 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 7th day of November, 1996.

PUBLIC SERVICE COMMISSION

Linda K. Braithwaite  
Chairman

Earl J. Helman  
Vice Chairman

B. J. Helton  
Commissioner

ATTEST:

Don Mills  
Executive Director