

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BELLSOUTH TELECOMMUNICATIONS,)
INC.'S REQUEST FOR CONFIDENTIAL)
TREATMENT OF INFORMATION FILED) CASE NO. 96-516
IN SUPPORT OF ITS CONTRACT)
ARRANGEMENT FOR BANC ONE OF)
KENTUCKY)

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. ("BellSouth"), filed October 28, 1996, pursuant to 807 KAR 5:001, Section 7, for confidential protection of cost support information developed in connection with a Special Service Arrangement Contract with Banc One of Kentucky for a Fiber Distributed Data Interface (FDDI) LAN 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 Banc One of Kentucky to provide FDDI LAN Service. This contract supersedes and adds to a contract approved by the Commission effective June 18, 1996. Banc One has added another location on the LAN and has upgraded the two existing locations from single-attached to dual-attached installations. In support of the proposed contract, BellSouth has provided 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 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.

FDDI LAN Service is an alternative to dedicated private line networks. BellSouth's competitors for this service are providers of fiber networks. Disclosure of the cost information would enable BellSouth's 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 data filed in support of the proposed contract with Banc One of Kentucky for FDDI LAN Service, which BellSouth has petitioned to be withheld from public disclosure, shall held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 12th day of December, 1996.

PUBLIC SERVICE COMMISSION

Linda K. Breathitt
Chairman

Elmer J. Helton
Vice Chairman

B. J. Helton
Commissioner

ATTEST:

Don Mills
Executive Director