

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. 96-571  
PROPOSED PROMOTION OF BELLSOUTH )  
TELECOMMUNICATIONS, INC., FOR A MULTI- )  
FEATURE GET ACQUAINTED OFFER )

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. ("BellSouth"), filed November 27, 1996, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the sales, revenue, demand and cost studies filed in support of its proposed Multi-Feature Get Acquainted Offer on the grounds that disclosure of the information is likely to cause BellSouth competitive injury, and it appearing to this Commission as follows:

BellSouth is planning a promotion called the Multi-Feature Get Acquainted Offer to begin January 1, 1997 and run through February 28, 1997. During this promotion, customers may order their choice of up to any two of the following four features and receive their first month's billing free: Caller ID Deluxe, Memory Call® Service, Call Return, and Flexible Call Forwarding. In support of the planned promotion, BellSouth has filed sales, revenue, demand and cost studies 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, 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 faces competition in the local exchange market by companies such as AT&T, ACSI, Sprint, MCI Metro, and others. These competitors could use the sales, revenue and cost information relating to the promotional services in planning and devising competing market strategies. 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 sales, revenue, demand and cost studies filed in support of the planned Multi-Feature Get Acquainted Offer, 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 22nd day of January, 1997.


PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director