

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BELLSOUTH TELECOMMUNICATIONS, INC.'S )  
REQUEST FOR CONFIDENTIAL TREATMENT ) CASE NO. 96-585  
OF INFORMATION FILED IN SUPPORT OF ITS )  
MEGALINK® SERVICE TARIFF )

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. ("BellSouth"), filed December 2, 1996, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the revenue and cost support information filed in support of its tariff for MegaLink® Plus 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 filed revisions to its Private Line Services Tariff which introduce MegaLink® Plus Service and reduce certain rate elements in the MegaLink® Service Tariff. In support of the tariff, BellSouth has filed revenue and 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 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.

MegaLink® and MegaLink® Plus are private line services. BellSouth's competitors for private line networks are interexchange carriers, competitive access providers and providers of microwave services, digital radio and fiber networks. BellSouth's competitors could use the cost information sought to be protected to determine the price or rate below which BellSouth could not offer the service and formulate their market strategy accordingly. Therefore, disclosure of the information is likely to cause BellSouth competitive injury, and the information should be protected as confidential.

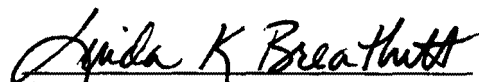
This Commission being otherwise sufficiently advised,

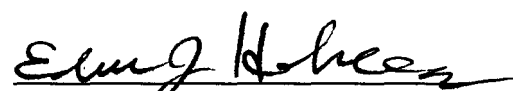
IT IS ORDERED that the revenue and cost information filed in support of the proposed MegaLink® Plus Service, which BellSouth has petitioned to be withheld from

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 14th day of January, 1997.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director