

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. 96-587
TARIFF MODIFYING ITS BUSINESS MTS)
SERVICE)

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, sales, projections and cost support data developed in connection with BellSouth's revised tariff for Business MTS 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 a revised tariff modifying Business MTS service. In support of the revised tariff, BellSouth has submitted revenue, sales, projections and cost support data which it seeks to protect as confidential on the grounds that its disclosure is likely to cause BellSouth competitive injury.

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.

BellSouth competitors for MTS service are AT&T, MCI and Sprint, among others. These competitors could use the information sought to be protected to develop competitive rate structures 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, sales, projections and cost support data developed in support of the tariff revisions for MTS, 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 24th day of January, 1997.

PUBLIC SERVICE COMMISSION

Linda K. Breathitt

Chairman

S. J. Helm

Vice Chairman

B. J. Hester

Commissioner

ATTEST:

Don Mills

Executive Director