

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BELLSOUTH TELECOMMUNICATIONS, INC.'S)
REQUEST FOR CONFIDENTIAL TREATMENT) CASE NO. 96-621
OF INFORMATION FILED IN SUPPORT OF ITS)
PROPOSED TARIFF FOR CALL WAITING DELUXE)

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. ("BellSouth"), filed December 20, 1996, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost information developed in connection with BellSouth's revised tariff introducing Call Waiting Deluxe 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 general subscriber tariff which introduces a new custom calling service called Call Waiting Deluxe. In support of the revision, BellSouth has submitted 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.

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.

Call Waiting Deluxe is a custom calling service available to BellSouth's local exchange customers. BellSouth's current competitors in the local exchange market include alternate access providers, and will soon include several interexchange carriers who have indicated their intention to enter the local exchange market. These competitors could use the cost information to formulate strategic plans for entry, pricing and marketing of 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 analysis information filed in support of the proposed tariff revision introducing Call Waiting Deluxe 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 23rd day of January, 1997.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director