

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.97-052
PROPOSED MULTISERVSM/MULTISERV PLUSSM)
TARIFF MODIFICATION)

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. ("BellSouth"), filed February 5, 1997, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support data and contribution estimates developed in connection with the modification of the MultiServSM and MultiServ PLUSSM tariffs on the ground that disclosure of the information is likely to cause BellSouth competitive injury, and it appearing to this Commission as follows:

BellSouth has filed modifications of its tariffs for MultiServSM and MultiServ PLUSSM Services which introduces a new optional feature group. The new feature group adds Call Forwarding Busy Line Fixed and Call Forwarding Don't Answer Fixed to the list of currently available features. In support of the proposed changes, BellSouth has provided cost support information and contribution estimates developed in connection with the services, 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 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.

Competitors for MultiServSM and MultiServ PLUSSM Services are providers of PBX and other customer premises equipment as well as competitors for local service. Public disclosure of the information sought to be protected would enable such competitors to determine BellSouth's cost and contribution from the services, 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 support data and contribution estimates developed in connection with the modification of the MultiServSM and MultiServ PLUSSM Service tariffs, 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 26th day of March, 1997.


PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director