

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. 96-581
CALLER ID - DELUXE PROMOTION FOR)
BUSINESS CUSTOMERS)

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 proposed tariff for a Caller ID - Deluxe Promotion for business customers 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 seeking approval of a promotion for Caller ID - Deluxe service for business customers. The promotion consists of one month's free service and one month's free use of a Caller ID display unit. In support of the proposed promotion, 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.

BellSouth's competitors for the service it plans to promote are other telecommunications companies, such as AT&T, that are seeking to enter the local exchange market. Cost studies reflect BellSouth's cost to provide the Caller ID - Deluxe services which competitors could use in planning their own entry into the market with similar services. 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 BellSouth's proposed tariff for a Caller ID - Deluxe Promotion for business customers, 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 9th day of January, 1997.

PUBLIC SERVICE COMMISSION

Linda K. Breckitt
Chairman

Ed J. Helton
Vice Chairman

B. J. Helton
Commissioner

ATTEST:

Don Mills
Executive Director