

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INQUIRY INTO INTRALATA TOLL)
COMPETITION, AN APPROPRIATE) ADMINISTRATIVE
COMPENSATION SCHEME FOR COMPLETION) CASE NO. 323
OF INTRALATA CALLS BY INTEREXCHANGE)
CARRIERS, AND WATS JURISDICTIONALITY)

O R D E R

This matter arising upon motion of South Central Bell Telephone Company ("SCB") filed May 30, 1989 to compel Telcor, Inc., d/b/a Telemarketing Communications of Louisville, and LDDS of Indiana, d/b/a LDDS Communications (jointly "Telcor") and to compel AT&T Communications of the South Central States, Inc. ("AT&T") to respond to the "First Data Requests" of SCB, AT&T and Telcor having filed responses and objections thereto, and it appearing to the Commission as follows:

On March 27, 1989, in accordance with the procedural schedule adopted by the Commission on February 24, 1989, SCB requested Telcor and AT&T to produce and file certain information. Telcor objects to furnishing the information in two requests on the grounds that material requested is not relevant and that it is proprietary and confidential. AT&T objects to furnishing the information in four requests on the grounds that the material requested is proprietary and confidential. SCB contends that the information furnished for four other requests was not responsive to the questions.

A principal objective of this proceeding is to explore the desirability of allowing competition for intraLATA long distance service. One of the possible factors to be considered is the impact that allowing such competition will have upon local exchange carriers. The requests upon Telcor seek information concerning the extent to which intraLATA competition now exists. Such information is relevant to determining to what extent new competition will result from opening intraLATA service to competition and, as such, this information is relevant to the proceedings and should be produced.

It is no defense to production that relevant information is proprietary and confidential. If disclosure of the information requested will result in competitive injury to Telcor, then Telcor may seek protection in accordance with 807 KAR 5:001, Section 7 when the information is produced.

For the same reasons, the information requested from AT&T cannot be withheld on the grounds that it is proprietary and confidential. That information should be produced and if AT&T desires protection from disclosure, it should so petition the Commission in the manner provided by regulation.

The materials furnished for the four other requests were simply not responsive to the requests. SCB has requested specific information and AT&T has responded in broad general terms which, even then, may not encompass the information requested. AT&T should, therefore, furnish the information requested.

And this Commission being otherwise sufficiently advised,

IT IS ORDERED:

1. Telcor shall within 10 working days from the date of this Order produce and file the information requested by SCB in its first data request, Items 1 and 2.

2. AT&T shall within 10 working days from the date of this Order produce and file the information requested by SCB in its first data request, Items 1, 2, 3, 7, 10, 24, 28, and 29.

Done at Frankfort, Kentucky this 30th day of June, 1989.

PUBLIC SERVICE COMMISSION


For The Commission

ATTEST:

Executive Director