

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SOUTH CENTRAL BELL TELEPHONE COMPANY'S) CASE NO.
EXPERIMENTAL INCENTIVE REGULATION PLAN) 89-076

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell"), filed September 27, 1989, for confidential protection of its 1988 ARMIS Report (FCC Report 43-03) on the grounds that the disclosure would cause South Central Bell competitive injury, and it appearing to this Commission as follows:

South Central Bell seeks to protect as confidential its 1988 ARMIS Report on the grounds that it would cause South Central Bell competitive injury because South Central Bell's competitors could use the information to determine revenues and expenses associated with South Central Bell's operations in Kentucky.

807 KAR 5:001, Section 7, protects information as confidential only when it is established that disclosure would result in competitive injury to the party possessing the information. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. South Central Bell in its petition states, generally, that its competitors could use this information to South Central

Bell's disadvantage but does not identify who or what these competitors are and how the information could be used by them to gain an unfair advantage over South Central Bell.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The petition by South Central Bell for confidential protection of the 1988 ARMIS Report shall be held in abeyance to allow South Central Bell to identify the competitors who could use the information contained in the report to South Central Bell's competitive disadvantage and to further state, with specificity, how those competitors could use that information to South Central Bell's competitive disadvantage.

2. If such statement is not filed within 10 days from the date of this Order, the petition for confidentiality shall, without further Orders herein, be denied.

Done at Frankfort, Kentucky this 13th day of October, 1989.

PUBLIC SERVICE COMMISSION



For the Commission

ATTEST:

Executive Director