

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 petition of AT&T Communications of the South Central States, Inc. ("AT&T") filed January 11, 1990 pursuant to 807 KAR 5:001, Section 7, for confidential protection of unit volume data on the grounds that disclosure of the information is likely to cause AT&T competitive injury, and it appearing to this Commission as follows:

AT&T seeks to protect as confidential unit volume data furnished to the Commission pursuant to a request made on December 11, 1989, on the grounds that competitors of AT&T could use the information to obtain an unfair marketing advantage.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, 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.

The information sought to be protected would allow AT&T's competitors to learn valuable unit volume information according to category of service. This information could be used in the pricing and marketing of their services to the detriment of AT&T; therefore, disclosure of the information is likely to cause AT&T competitive harm and the information should be protected.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The unit volume data filed by AT&T at the request of the Commission on December 11, 1989, which AT&T has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

2. AT&T shall, within 10 days of this Order, file an edited copy of the data with the confidential material obscured for inclusion in the public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 1st day of February, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

ATTEST:


Executive Director

Commissioner