

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	)	PHASE I
CARRIERS, AND WATS JURISDICTIONALITY	)	

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed August 31, 1990, pursuant to 807 KAR 5:001, Section 7, to treat portions of data used to develop Exhibit 1 of Margaret Thompson's testimony dated July 13, 1990 as confidential, on the grounds that disclosure is likely to cause competitive injury, and it appearing to this Commission as follows:

In the Order dated August 8, 1990, South Central Bell was directed to furnish the data used to develop Exhibit 1 of Margaret Thompson's testimony dated July 13, 1990. Included in the data furnished was information that relates to Independent Telephone Companies intraLATA toll revenues and usage which came into South Central Bell's possession in its role as the pool administrator for the IntraLATA Toll Settlement Fund. Another portion of the data relates to WATS Hour Distribution.

The information which South Central Bell seeks to protect as confidential is not known outside of South Central Bell and is not disseminated within South Central Bell except to those employees

who have a business need to know and act upon the information. South Central Bell seeks to preserve the confidentiality of this information through all appropriate means including the maintenance of appropriate security at its offices.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to cause 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.

According to the petition, disclosure of the information relating to Independent Telephone Companies intraLATA toll revenues and usage might affect the competitive position of the Independent Telephone Companies but would not have any affect upon South Central Bell. Therefore, the information is not entitled to protection upon the petition of South Central Bell. However, to avoid undue injury to the Independent Telephone Companies by the release of the information, before the information is placed in the public record the Independent Telephone Companies should be given an opportunity to petition the Commission for its protection.

The WATS Hour Distribution information contains market specific information pertaining to the distribution of traffic in different usage bands. This information would be of significant value to South Central Bell's competitors and should be protected

from disclosure.

This Commission being otherwise sufficiently advised,

IT IS THEREFORE ORDERED that:

1. The petition for confidential protection of the information relating to Independent Telephone Companies intraLATA toll revenues and usage shall be held in abeyance for a period of 30 days to allow any source of that information to petition for its protection.

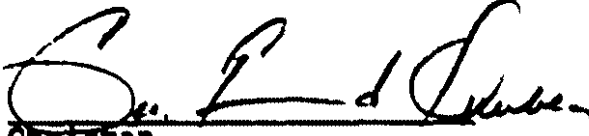
2. If such petition is not filed within 30 days, the petition for confidentiality shall, without further Orders herein, be denied.

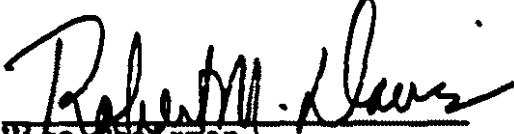
3. The WATS Hour Distribution information, which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be opened for public inspection.

4. South Central Bell shall, within 10 days of this Order, file edited copies of the backup material to Margaret Thompson's testimony with the information sought to be protected herein obscured for inclusion in the public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 20th day of September, 1990.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director