

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION OF TOLL AND ACCESS)
CHARGE PRICING AND TOLL SETTLEMENT)
AGREEMENTS FOR TELEPHONE UTILITIES) CASE NO. 8838
PURSUANT TO CHANGES TO BE EFFECTIVE)
JANUARY 1, 1984)

O R D E R

This matter arising upon petition of AT&T Communications of the South Central States, Inc. ("AT&T") filed December 13, 1989, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the channel count and usage data contained in its Universal Local Access Service ("ULAS") Report on the grounds that disclosure of the information is likely to cause AT&T competitive injury, and it appearing to the Commission as follows:

AT&T seeks to protect as confidential the channel count and usage data contained in its ULAS Report. Disclosure of this information would provide the number of channel terminations AT&T has within this state, and this information, together with the usage data, would provide AT&T's competitors with an indication of the volume of traffic AT&T is able to handle in specific areas of the state. Knowledge of the volume of traffic that AT&T is capable of handling could be used by competing carriers in marketing their services.

The information sought to be protected is not known outside of AT&T, is not disseminated within AT&T except to those employees

who have a legitimate business need to know and act upon the information, and AT&T seeks to preserve the confidentiality of this information through all appropriate means.

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 competitive injury if this information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

Disclosure of this information could be used by competitors in marketing competing services. As the information is not generally known, disclosure of the information would result in competitive injury to AT&T and the information should be protected from disclosure.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The petition for confidential protection of the channel count and usage data contained in the ULAS Report filed by AT&T shall be held and retained by this Commission as confidential and shall not be opened for public inspection.

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

Done at Frankfort, Kentucky, this 12th day of February, 1990.

PUBLIC SERVICE COMMISSION



Chairman



Vice Chairman

Commissioner

ATTEST:



Executive Director