

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE BILLING AND COLLECTION )  
SERVICE TARIFF FILING OF ) CASE NO. 90-090  
GTE SOUTH INCORPORATED )

O R D E R

The matter arising upon petition of GTE South Incorporated ("GTE South") filed September 17, 1990, pursuant to 807 KAR 5:001, Section 7, for confidential protection of information relating to GTE South's billing and collection services on the grounds that public disclosure of the information is likely to cause GTE South competitive injury, and it appearing to this Commission as follows:

GTE South originally sought confidential protection of the information by petition filed July 9, 1990. By Order of August 29, 1990 the Commission found that the petition was deficient in that it did not identify the competitors for GTE South's billing and collection services and, additionally, did not explain how such competitors could use the information sought to be protected to gain advantage against the company.

As stated in the earlier Order, 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.

GTE South provides billing and collection services to other carriers. In doing so, it competes with other suppliers' billing services such as American Express and National Independent Billing Inc. The information sought to be protected would permit such competitors to identify particular service offerings and market segments to which their marketing efforts would most likely be successful. In addition, disclosure of the information would allow competitors to learn marketing and pricing strategies utilized by GTE South which would permit competitors to compete more effectively against GTE South. Thus, disclosure of the information is likely to cause GTE South competitive injury, and the information should not be disclosed as confidential.

This Commission being otherwise sufficiently advised,


IT IS ORDERED that:

1. The billing and collection service information, which GTE South 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. GTE South shall, within 10 days of the date of this Order, file an edited copy of the information with the confidential material obscured for inclusion in the public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 29th day of October, 1990.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director