

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PROPOSED CONTRACT BETWEEN	)	
SOUTH CENTRAL BELL TELEPHONE	)	CASE NO.
COMPANY AND ALLIANT HEALTH	)	90-140
SYSTEM TO PROVIDE ESSX SERVICE	)	

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed August 16, 1990 pursuant to 807 KAR 5:001, Section 7, for confidential protection of South Central Bell's responses to the Commission's Order of July 16, 1990 relating to cost support data and market analysis developed in connection with a Digital ESSX contract for Alliant Health System on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to the Commission as follows.

South Central Bell seeks to protect as confidential its responses to Items 1, 4, 5c, 5g, 6a, 7a-d, 8a-c, 9a and 9d-f furnished in compliance with the Commission's Order of July 16, 1990. The information relates to cost support data and market analysis developed in connection with a Digital ESSX contract for Alliant Health System.

The information sought to be protected is not known outside of South Central Bell and is not disseminated within South Central Bell except to employees who have a business need to know and act upon the information. South Central seeks to preserve the

confidentiality of the 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 the 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.

South Central Bell's ESSX offerings compete with services offered by providers of PBX equipment. Disclosure of the cost support data and market analysis contained in the information sought to be protected would provide such competitors knowledge of South Central Bell's capital and operating costs, as well as contribution for the service. Competitors could use the information in marketing their own services. Therefore, disclosure of the information is likely to cause South Central Bell competitive injury and the information should be protected.

This Commission being otherwise sufficiently advised,

IT IS THEREFORE ORDERED that:

1. The cost support data and market analysis developed in connection with the Digital ESSX contract for Alliant Health System contained in South Central Bell's responses to Items 1, 4, 5c, 5g, 6a, 7a-d, 8a-c, 9a and 9d-f of the Commission's Order of July 16, 1990, which South Central has petitioned be withheld from

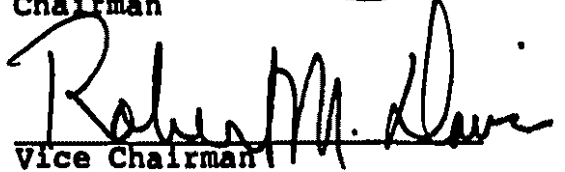
public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

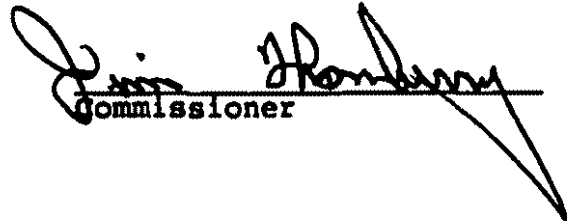
2. South Central Bell shall, within ten days of this Order, file edited copies of its responses with the confidential material obscured for inclusion in a public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 17th day of September, 1990.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director