

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PROPOSED REPRICING OF AT&T'S	)	CASE NO.
GENERAL SERVICES TARIFF	)	90-161

O R D E R

This matter arising upon petition of AT&T Communications of the South Central States, Inc. ("AT&T") filed July 5, 1990 pursuant to 807 KAR 5:001, Section 7, to protect as confidential the revenue, cost, and unit volume data, attached as Attachments A and B to AT&T's application in this proceeding on the grounds that disclosure is likely to cause AT&T competitive injury, and it appearing to this Commission as follows:

AT&T is seeking to reprice certain of its general services tariff offerings in order to align rates more closely with costs. The proposed tariff is intended to be revenue neutral in that proposed increases in the tariff would be offset with proposed reductions. In support of its application AT&T has prepared and filed with the Commission compilations by service category of revenue, cost and unit volume data, attached to the application as Attachments A and B.

The information sought to be protected is not known outside of AT&T and is not disseminated within AT&T except to those AT&T employees who have a legitimate business need to know and act upon

the information. AT&T seeks to preserve the confidentiality of the 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 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 provides cost and unit volume data, all by service category, regarding AT&T services in this state. Competitors could use the information to determine the market size of each service category. Additionally, revenue information, along with prices, could be used by competitors to determine quantities. Knowledge of such information would enable AT&T competitors to target their marketing efforts toward particular service categories to the detriment of AT&T.

Information contained in Attachments A and B also includes AT&T's specific service characteristics such as non-conversation time additives, that AT&T compiles at substantial expense to utilize in determining network sizing and appropriate cost to be included for setup by service category. Disclosure of this information to AT&T competitors would provide this information to them at no charge. In addition, the cost data on individual service categories would provide AT&T competitors strategic pricing information on AT&T's specific cost floors. Thus, disclosure of the

information is likely to cause AT&T competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The revenue, cost, and unit volume data attached as Attachments A and B to AT&T's application, 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 the date of this Order, file an edited copy of the attachments with the confidential material obscured for inclusion in the public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 8th day of August, 1990.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director