

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

FORMAL PETITION OF SOUTH CENTRAL BELL )  
TELEPHONE COMPANY FOR CONFIDENTIAL )  
TREATMENT OF THE LOUISVILLE - WESTPORT ) CASE NO. 90-178  
ROAD, KENTUCKY PROJECT REVIEW PACKAGE )

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed June 8, 1990, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the "Louisville - Westport Road, Kentucky Project Review Package" on the grounds that public disclosure is likely to cause competitive injury and it appearing to this Commission as follows:

South Central Bell is engaged in negotiations with vendors of central office equipment on prices and volume as they relate to its network plan over the next 4 years. South Central Bell maintains that disclosure of this information would damage its efforts to obtain the lowest possible prices for material and equipment resulting in higher costs for the company and in turn affecting the rates of the general ratepayer.

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. The petition filed by South Central Bell satisfies neither requirement.

Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage. The petition by South Central Bell does not identify any competitor who could use the information to South Central Bell's detriment. Therefore, competitive harm has not been established and the petition for confidential protection should be denied.

This Commission being otherwise sufficiently advised,

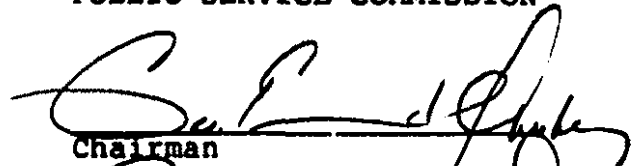
IT IS ORDERED:

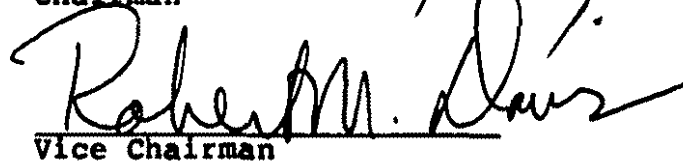
1. The petition for confidential protection of the information described as "Louisville - Westport Road, Kentucky Project Review Package" be and it is hereby denied.

2. The information sought to be protected from disclosure shall be held as confidential and proprietary for a period of five working days from the date of this Order, at the expiration of which time it shall be placed in the public record.

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

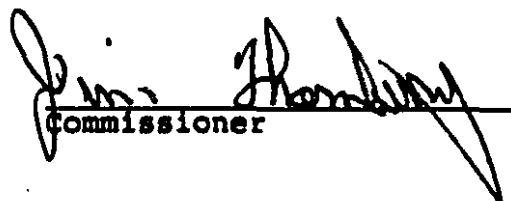
PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

ATTEST:

  
Executive Director

  
Commissioner