

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF SOUTH CENTRAL BELL	)	
TELEPHONE COMPANY FOR CONFIDENTIAL	)	
TREATMENT OF INFORMATION FILED IN	)	
SUPPORT OF ITS SPECIAL SERVICE	)	CASE NO. 90-401
ARRANGEMENT CONTRACT WITH UNITED	)	
PARCEL SERVICE FOR TWO DIVERSE	)	
ROUTES	)	

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed November 12, 1990 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support pages (Attachments 3A and 3B) filed in connection with its Special Service Arrangement Contracts with United Parcel Service for two diverse routes on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

South Central Bell has applied for approval of a contract with United Parcel Service for the provision of two diverse routes. As part of its application, South Central Bell has furnished, as Attachments 3A and 3B, cost support data developed in connection with the contracts. South Central Bell seeks to protect the cost support data as confidential.

The information sought to be protected is not known outside of South Central Bell and is not disseminated within South Central

Bell except to those employees who have a legitimate business need to know and act upon the information. South Central Bell 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 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 contends that competition, in the form of microwave, fiber rings, and small satellites, exists in provisioning of Route Diversity Plans. South Central Bell maintains that knowledge of South Central Bell's capital and operating costs, as well as contribution for the service, would allow providers of competing services to more readily compete with South Central Bell.

The service that South Central Bell is providing to United Parcel Service is local service, against which competition from other common carriers is not allowed. Therefore, since only South Central Bell can provide the service covered by the contract, it has no competitors who would benefit from the knowledge of the information. Therefore, the petition should be denied.

This Commission being otherwise sufficiently advised,

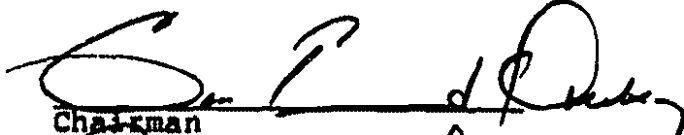
IT IS ORDERED that:

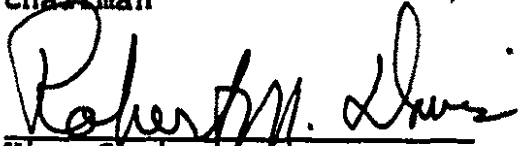
1. The petition for confidential protection of the cost support pages (Attachments 3A and 3B) filed in connection with South Central Bell's Special Service Arrangement Contracts with United Parcel for two diverse routes be and it is hereby denied.


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 18th day of December, 1990.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director