

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ESTABLISHMENT OF DUAL PARTY RELAY)	
TELECOMMUNICATIONS SERVICES FOR)	ADMINISTRATIVE
HEARING-IMPAIRED OR SPEECH-IMPAIRED)	CASE NO. 333
PERSONS IN KENTUCKY)	

O R D E R

This matter arising upon petition of U. S. Sprint Communications Company Limited Partnership ("Sprint") received May 10, 1991 for confidential protection of certain information filed in response to the request for proposals for the provision of Dual Party Relay Service in Kentucky which was filed March 4, 1991 and March 27, 1991, and it appearing to this Commission as follows:

On February 1, 1991, the Commission issued a request for proposals for the provision of intrastate Dual Party Relay Service. The Order anticipated the Commission would receive competing proposals to provide the service and, therefore, declared all proposals would be maintained in confidence until a provider for the service was selected.

On April 15, 1991, the Commission entered an Order awarding the bid to AT&T Communications of the South Central States, Inc. By that Order the Commission provided ten days in which persons submitting bids could request confidential treatment of the bid proposals. Sprint requested and received an extension through May 10, 1991 to file a petition for confidentiality.

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.

Sprint requests that its proposal and the material filed in response to the oral presentation be protected in their entirety from public disclosure. Because the petition does not provide sufficient detail to demonstrate that disclosure of the information would cause competitive injury and the material is not of such a nature as would likely cause competitive injury, this request to protect from public disclosure the material in its entirety is denied.

Alternatively, Sprint requests that certain portions of the material be protected from disclosure. The Commission has carefully reviewed this request and finds that except for the following enumerated items, Sprint's petition does not provide sufficient detail to demonstrate that disclosure of the information specified would cause competitive injury and the material is not of such a nature as would likely cause competitive injury. The Commission further finds that public disclosure of the following information would likely result in competitive injury to Sprint and should be protected as confidential:

(a) The number of additional agents which would have been hired from Network Configuration, Section 2.5, p. 12.

(b) The actual dollar amount for the cost of a position dedicated solely as a customer service and account manager for Kentucky from Additional Information and Comments, Section 5.36, p. 43.

(c) The amounts for each category including the "Wages and Salaries," "Benefits," "Hiring/Training," "Telecommunications Services," "Office Facilities," "Maintenance," "Depreciation," "Building Rent," "Utilities," "Advertising," "Promotion," "Billing and Collection," "Office Expenses," "Transport Cost," "Taxes," "Other," "Total Operating Expenses," and "Return on Investment" from the schedule of on-going annual costs in Section 6.0, p. 46.

(d) The amounts under the headings of "Investment in Equipment/Plant," "Office Facilities," "Employee Hiring/Training," and "Other" from the schedule of start-up costs in Section 6.0, p. 47.

(e) The assumptions used for "Operator Positions," "Agents," and "Agent/Position Ratio," from Exhibit E.

The Commission, being otherwise sufficiently advised, HEREBY ORDERS that:

1. Sprint's petition for confidentiality is hereby denied except as specifically set forth in paragraphs (a) - (e) herein.

2. The information sought to be protected from disclosure by Sprint's petition, and for which the Commission denies such protection, shall be held as confidential and proprietary for five

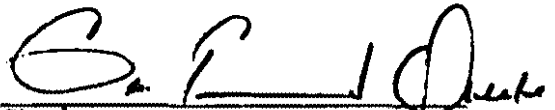
working days from the date of this order, at the expiration of which time, it shall be placed in the public record.

3. The information set forth in paragraphs (a) - (e) herein for which Sprint has petitioned for confidential treatment shall be withheld from public disclosure and retained by this Commission as confidential and shall not be open for public inspection.

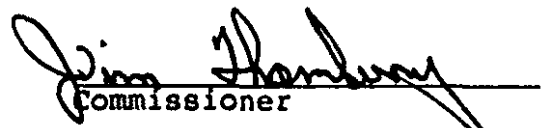
4. Sprint shall, within five working days of the date of this Order, file an edited copy of the information with only those portions which the Commission has granted confidential treatment obscured for inclusion in the public record.

Done at Frankfort, Kentucky, this 30th day of May, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

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O R D E R

This matter arising upon a petition of South Central Bell Telephone Company ("SCB") filed May 10, 1991 for reconsideration of the May 3, 1991 Order denying in part and granting in part confidential treatment of certain data submitted by SCB in its bid proposal for the provision of dual party relay service, and it appearing to this Commission as follows:

SCB contends that disclosure of certain of the information that the Commission denied confidential protection would result in an unfair competitive advantage for its competitors by providing information not otherwise available about costs per minute and the capital basis upon which the annual investment related to costs was calculated.

The Commission, after carefully reviewing the material for which SCB petitions reconsideration of the denial of confidential protection, finds that the material is not in sufficient detail such that its disclosure would cause competitive injury and is not of such a nature as to be likely to cause competitive injury.

The Commission, being otherwise sufficiently advised, HEREBY ORDERS that:

1. SCB's petition for reconsideration of the denial of its petition for confidential treatment is hereby denied.

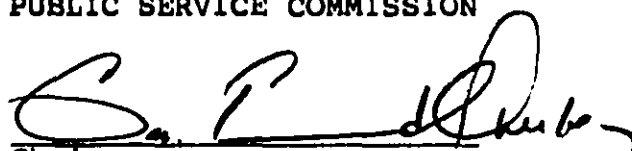
2. The information sought to be protected from disclosure by SCB's petition, and for which the Commission denies reconsideration, shall be held as confidential and proprietary for five working days from the date of this Order, at the expiration of which time, it shall be placed in the public record.

3. SCB shall, within five working days of the date of this Order, file an edited copy of the information with only those portions which the Commission has granted confidential treatment obscured for inclusion in the public record.

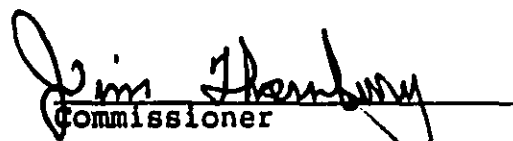
4. This is a final and appealable Order.

Done at Frankfort, Kentucky, this 30th day of May, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director