

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 petitions of AT&T Communications of the South Central States, Inc. ("AT&T") filed August 14, 1991, August 20, 1991, and September 4, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost data and personnel data, and upon response of South Central Bell Telephone Company ("South Central Bell") filed September 4, 1991, and it appearing to this Commission as follows:

AT&T seeks to protect as confidential cost data and personnel data submitted in response to oral requests from the Commission staff on the grounds that disclosure of the information is likely to cause AT&T competitive injury. The information sought to be protected relates to the provisioning of Dual Party Relay Service ("DPRS") by AT&T.

The information sought to be protected is not known outside of AT&T and is not disseminated within AT&T except to those 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.

Except for the portion entitled "total operating expense," the cost data and personnel data sought to be protected in this petition is so detailed and specific that, if made public, would provide AT&T's competitors with valuable cost/price information that they could use in those other jurisdictions in formulating competing bids. Therefore, disclosure of the information, except for the portion entitled "total operating expense," is likely to cause AT&T competitive injury and the information should be protected as confidential. For each call volume level, the "total operating expense" information should be open for public inspection and not retained as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:


1. The cost and personnel data contained in AT&T's response to the Commission's oral request, 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, except for the "total operating expense" amount for


each call volume. The petition for confidential treatment shall be denied for the "total operating expense" amounts.

2. Within five days of the date of this Order, AT&T shall file an edited copy with the confidential material protected by this Order obscured for inclusion in the public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 24th day of September, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director