

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

A REVIEW OF THE RATES AND CHARGES        )  
AND INCENTIVE REGULATION PLAN OF        )     CASE NO. 90-256  
SOUTH CENTRAL BELL TELEPHONE COMPANY )

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed July 24, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of South Central Bell's attachment to its response to the Commission's second oral data request from the July 16, 1991 hearing 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:

The information sought to be protected provides backup information to previously filed responses. The information contains a breakdown of South Central Bell's toll market by message minutes, revenues, rate band, and time of day by line of business. The information is not generally 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 the information through all appropriate means, including the maintenance of appropriate security at its offices.

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.

By virtue of the Commission's Order in Administrative Case No. 323,<sup>1</sup> competition will increase in the intraLATA toll market. Therefore, any public disclosure of IntraLATA Message Toll Service ("MTS") units and revenues by mileage band and time of day would provide valuable information to South Central Bell's long-distance competitors who could use the information in planning their marketing strategy. Therefore, disclosure of the information is likely to cause South Central Bell competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The information contained in the attachment to South Central Bell's response to the Commission's second oral data request from the July 16, 1991 hearing, which South Central Bell

---


<sup>1</sup> Administrative Case No. 323, An Inquiry Into IntraLATA Toll Competition, An Appropriate Compensation Scheme for Completion of IntraLATA Calls by Interexchange Carriers, And WATS Jurisdictionality.

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. South Central Bell shall, within 10 days of the date of this Order, file edited copies of the information with the confidential material obscured for inclusion in the public record, with copies to all parties of record.

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

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

\_\_\_\_\_  
Commissioner

ATTEST:

  
\_\_\_\_\_  
Executive Director