

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 October 8, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the marketing and network plans and objectives presented at the September 1991 Monitoring Meeting 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 Commission's Order of April 3, 1991 renewing incentive regulation provides for monthly meetings with the Commission for the purpose of monitoring the effect of the incentives given to South Central Bell to promote efficiency in its operations. As part of the monitoring process, South Central Bell has filed information which includes marketing and network plans and objectives. By this petition, South Central Bell seeks to protect as confidential those marketing and network plans and objectives.

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

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.


The marketing and network plans and objectives would allow competitors of South Central Bell to more effectively market their competing services. 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 the marketing and network plans and objectives, which South Central Bell 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.

Done at Frankfort, Kentucky, this 1st day of November, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

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Commissioner

ATTEST:

  
Executive Director