

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INQUIRY INTO THE COMMUNITY OF	)	
INTEREST AND AFFECT THEREOF	)	CASE NO.
BETWEEN THE AREAS OF GEORGETOWN,	)	91-149
KENTUCKY AND LEXINGTON, KENTUCKY	)	

O R D E R

This matter arising upon petition of AT&T Communications of the South Central States, Inc. ("AT&T") filed June 14, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the traffic and message unit volume data contained in AT&T's responses to Items 3A and 3B of the Commission's May 15, 1991 Order on the grounds that disclosure of the information is likely to cause AT&T competitive injury, and it appearing to this Commission as follows:

In response to Items 3A and 3B of the Commission's May 15, 1991 Order, AT&T has filed traffic and message unit volume data which it seeks to protect as confidential. The information is not disseminated within AT&T and is known only to those AT&T 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.

The traffic and message unit volume data would provide AT&T's competitors with information regarding AT&T's traffic patterns between specific exchanges by time of day and message volumes for specific services. Knowledge of the traffic information would allow competitors to accurately estimate AT&T's profit margins which competitors could use to adjust their pricing and marketing strategies for the various time bands. Disclosure of the message unit volume would allow AT&T's competitors to learn valuable market information which likewise could be used in pricing and marketing their competing services. Therefore, disclosure of the information is likely to cause AT&T competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the traffic and message unit volume data, 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.

Done at Frankfort, Kentucky, this 9th day of July, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

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Commissioner

ATTEST:

  
Executive Director