

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SOUTH CENTRAL BELL TELEPHONE)	
COMPANY'S PROPOSED AREA CALLING)	CASE NO. 91-250
SERVICE TARIFF)	

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed July 12, 1991 pursuant to KRS 61.878 and 807 KAR 5:001, Section 7, to protect as confidential the toll messages and minutes information contained in Attachment 1 to its application and the cost information and stimulation in calls and minutes contained in Attachment 2 to its application 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:

South Central Bell seeks to protect as confidential the information contained in Attachment 1 to its application which identifies its toll messages and minutes. South Central Bell also seeks to protect as confidential the cost information contained in Attachment 2 to its application which relates to billing and collection services found on pages 2, 4, and 5 of the attachment.

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

In this proceeding, South Central Bell seeks to enlarge the size of its local calling areas and thereby eliminate intraLATA toll service in the areas affected. To support its application, Attachment 1 provides call data information which can be used to evaluate traffic volumes in the current intraLATA market. With the implementation of intraLATA competition, if South Central Bell's application in the proceeding is denied, its competitors will be able to use the information in marketing their services to the detriment of South Central Bell. Therefore, the information should be protected as confidential so long as the threat of competition exists. In the event the application is approved, however, competition in the affected areas will be eliminated leaving South Central Bell as the only authorized carrier and the information will no longer be entitled to confidential protection.

The information sought to be protected in Attachment 2 relates to the billing and collection services offered by BellSouth, South Central Bell's parent corporation. This identical service could be offered by any company currently providing or who could provide data processing and billing services. These competitors, which include interexchange carriers, other regional Bell operating companies, and credit card companies, who use the information sought to be protected could analyze the services offered by BellSouth for the purpose of devising competing strategies. Therefore, disclosure of this information is likely to cause BellSouth and its subsidiaries, including South Central Bell, competitive injury and the information should be protected.

This Commission being otherwise sufficiently advised,

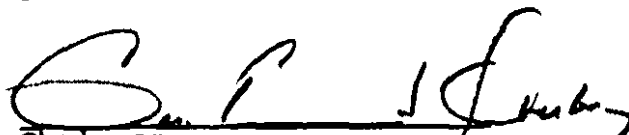
IT IS ORDERED that:

1. The toll messages and minutes contained in Attachment 1 and the cost information contained in Attachment 2 of its application, 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.

2. If the application of South Central Bell in this proceeding is approved, the information protected in Attachment 1 as it pertains to areas affected by such approval shall, upon expiration of 10 days from such approval, be withdrawn from protection and placed in the public record without further Orders herein.

Done at Frankfort, Kentucky, this 28th day of August, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director