

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF SOUTH CENTRAL BELL)
TELEPHONE COMPANY FOR CONFIDENTIAL)
TREATMENT OF INFORMATION FILED IN)
SUPPORT OF ITS SPECIAL SERVICE)
ARRANGEMENT CONTRACT WITH JEFFERSON)
COUNTY GOVERNMENT FOR MUSIC ON)
HOLD/AUDIO INTERLUDE)

CASE NO. 91-437

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed October 25, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support data developed in connection with South Central Bell's Special Service Arrangement Contract with Jefferson County Government for Music on Hold/Audio Interlude 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 contracted with Jefferson County Government for Music on Hold/Audio Interlude features associated with Digital ESSX service. In support of its application, South Central Bell has provided cost data which it seeks to protect as confidential.

The information sought to be protected is not 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.

South Central Bell's competitors for ESSX service are providers of PBX equipment. PBX equipment provides the same features as those offered by South Central Bell's ESSX service. Disclosure of the cost information sought to be protected would allow providers of PBX equipment to determine South Central Bell's costs and contribution from ESSX service, which competitors could use to market their competing services to the detriment of South Central Bell. 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 cost support data developed by South Central Bell in connection with its Special Service Arrangement Contract with Jefferson County Government for Music on Hold/Audio

Interlude, which South Central 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 December, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director