

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 February 18, 1992 pursuant to 807 KAR 5:001, Section 7, to protect as confidential its responses to Item 1 of the second data request of the Attorney General and portions of Items 3(a) and (b), 4, 10, and 18(b) and (c) of the Attorney General's second data request 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:

In this proceeding, South Central Bell seeks approval of a proposed Area Calling Service tariff. As part of the proceeding, the Attorney General has requested certain information including the information sought to be protected in this proceeding. South Central Bell maintains that disclosure of the information sought to be protected is likely to cause it competitive injury.

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 business need to know and act upon the information. South Central Bell seeks to

preserve and protect the confidentiality of the information through all appropriate means.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 10 categories of information. One category exempted in subparagraph (b) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. 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 price-out information contained in the response to Item 1 along with the responses to portions of Items 3(a) and (b), 4, 10, and 18(b) and (c) contain calling volumes and expected stimulation of calling volumes under the proposed plan, as well as the expected revenue effect per line from introducing the plan. Competitors could use this information to identify lucrative markets within the area within which to focus their marketing activities.

In addition, the information also provides the bill rendering cost which is an element of billing and collections service. Knowledge of the costs involved in providing this service could be

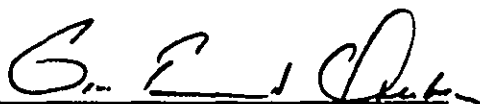
used by potential competitors in determining whether to enter the market. Therefore, disclosure of the information sought to be protected is likely to cause South Central Bell competitive injury and it should be protected as confidential.

This Commission being otherwise sufficiently advised,

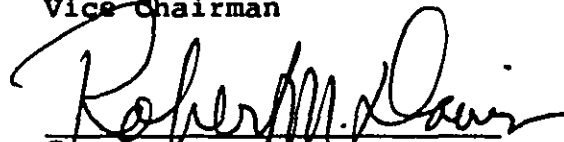
IT IS ORDERED that South Central Bell's responses to the second data request of the Attorney General, Item 1 and portions of Items 3(a) and (b), 4, 10, and 18(b) and (c), which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 24th day of March, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director