

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF GTE SOUTH INCORPORATED)
FOR CONFIDENTIAL TREATMENT OF)
INFORMATION FILED IN SUPPORT OF ITS) CASE NO. 92-406
CENTRANET SERVICE AGREEMENT WITH)
THE UNIVERSITY OF KENTUCKY)

O R D E R

This matter arising upon petition of GTE South Incorporated ("GTE South") filed September 18, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the pricing and cost information portions of its agreement with the University of Kentucky and the contribution statement filed in support of that agreement on the grounds that disclosure of the information is likely to cause GTE South competitive injury, and it appearing to this Commission as follows:

GTE South has entered into an agreement with the University of Kentucky to provide certain "CentraNet" services. By this petition, GTE South seeks to protect as confidential the contribution statement which sets out the cost support for the rates used in the agreement, as well as those portions of the agreement itself which contain pricing and cost information.

The information is not widely known outside of GTE South, nor is it customarily provided to the public. Its internal use is restricted to only a few employees.

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 11 categories of information. One category exempted in subparagraph (c) 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.

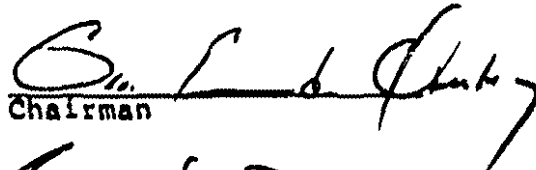
The information sought to be protected would permit GTE South's competitors to determine how it prices its CentraNet products and services. Competitors could use this information in offering their competing services. The information therefore has competitive value and should be protected as confidential.

This Commission being otherwise sufficiently advised,

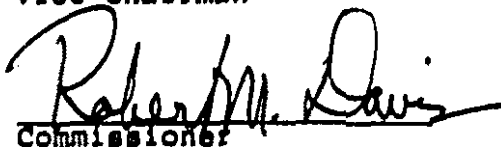
IT IS ORDERED that the pricing and cost information portions of the agreement with the University of Kentucky, together with the contribution statement filed in support of that agreement, which GTE South has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 29th day of October, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director