

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF AT&T COMMUNICATIONS OF)
THE SOUTH CENTRAL STATES, INC. FOR)
CONFIDENTIAL PROTECTION OF) CASE NO. 92-444
INFORMATION FILED IN SUPPORT OF ITS)
DIRECTORY LINK SERVICE)

O R D E R

This matter arising upon petition of AT&T Communications of the South Central States, Inc. ("AT&T") filed October 19, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost data contained in the Incremental Cost Analysis filed in support of its application 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 this proceeding, AT&T is seeking approval of a trial offering of its DIRECTORY LINK Service. In support of its request, AT&T has filed an Incremental Cost Analysis which contains the cost data that it seeks to protect as confidential on the grounds that disclosure is likely to cause it competitive injury.

The information sought to be protected is not known outside of AT&T and is not disseminated within AT&T except to those employees who have a legitimate business need to know and act upon the information. AT&T 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 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 cost information which AT&T seeks to protect would allow its competitors to learn valuable pricing and marketing information which they could use in their product development pricing and marketing focus for 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 cost information contained in the Incremental Cost Analysis filed in support of the application, 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 25th day of November, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director