

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

A REVIEW OF THE RATES AND CHARGES)
AND INCENTIVE REGULATION PLAN OF)
SOUTH CENTRAL BELL TELEPHONE COMPANY) CASE NO. 90-256

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. d/b/a South Central Bell Telephone Company ("South Central Bell") filed July 23, 1993 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the information contained in the exhibits entitled "1993 Financial Projection v. Commitment View" and "Year-To-Date Financial Performance" 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:

The information sought to be protected was filed with the Commission in accordance with its Order of April 3, 1991 renewing incentive regulation. That Order provided for monthly meetings with Commission staff for the purpose of monitoring South Central Bell's operations. The information sought to be protected was disclosed to the staff as part of the monitoring procedure.

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

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.

South Central Bell maintains that the information should be protected because public disclosure would reveal sensitive financial data with respect to certain of its services. The petition, however, does not identify the competitors who would benefit from the information nor does it demonstrate how the information would be of benefit to its competitors. Therefore, the petition does not satisfy the test for confidential protection and should be denied.

This Commission being otherwise sufficiently advised,

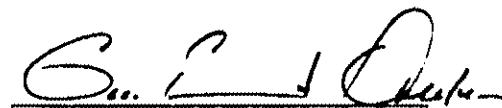
IT IS ORDERED that:

1. The petition to protect as confidential the documents entitled "1993 Financial Projection v. Commitment View" and "Year-To-Date Financial Performance," which South Central Bell has petitioned be withheld from public disclosure, be and is hereby denied.

2. The information sought to be protected shall be held and retained by this Commission as confidential and proprietary for a period of 20 days from the date of this Order, at the expiration of which it shall be placed in the public record without further Order of the Commission.

Done at Frankfort, Kentucky, this 10th day of September, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director