

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 ) CASE NO. 92-535  
SUPPORT OF ITS CUSTOM NETWORK )  
SERVICE )

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 December 3, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support information developed in connection with its proposed tariff for a new service called Custom Network Service 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 proposes to offer a new service called Custom Network Service which provides volume pricing for very large analog data networks. By this petition, South Central Bell seeks to protect as confidential the cost data developed in support of the proposed service.

The information sought to be protected is not known outside of South Central Bell and is disseminated within South Central Bell to only those employees who have a legitimate 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 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.

In the market for large customer networks South Central Bell competes with providers of private microwave systems, providers of fiber networks, and small satellite systems. Competitors could use the cost study to analyze market potential for these services to the detriment of South Central Bell. Therefore, the information should be protected as confidential.


This Commission being otherwise sufficiently advised,

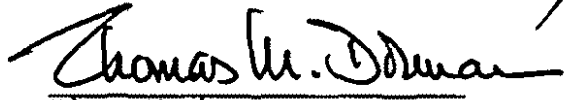
IT IS ORDERED that the cost support information developed in connection with the proposed Custom Network Service, which South Central Bell has petitioned be withheld from public disclosure,

shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 11th day of January, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director