

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF AT&T COMMUNICATIONS)
OF THE SOUTH CENTRAL STATES, INC.)
TO REDUCE RATES FOR INTRASTATE)
SERVICES) CASE NO.
) 92-556

O R D E R

This matter arising upon petition of AT&T Communications of the South Central States, Inc. ("AT&T") filed December 18, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the revenue, cost, and unit volume data contained in Attachments A and B to Exhibit 2 filed in support of AT&T's application to reprice certain of its General Services tariff and Custom Network Services tariff offerings on the grounds that disclosure of the information is likely to cause AT&T competitive injury, and it appearing to this Commission as follows:

AT&T has filed an application to reprice certain of its General Services tariff and Custom Network Services tariff offerings. In support of its application, AT&T has filed Attachments A and B to Exhibit 2 of the application. AT&T seeks to protect as confidential the revenue, cost, and unit volume data contained in the exhibit. The information sought to be protected is not disseminated within AT&T and is known only 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 information sought to be protected consists of the revenue, weighted cost, and forecasted unit volume information for the proposed new service. Competitors could use this information to learn valuable pricing and marketing information which they could use in pricing and marketing competing services to the detriment of AT&T. Therefore, the information has competitive value and should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the revenue, cost, and unit volume data contained in Attachments A and B to Exhibit 2 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 13th day of January, 1993.

PUBLIC SERVICE COMMISSION

B. R. J. Derry
Chairman

Thomas W. Danner
Vice Chairman

Robert M. Davis
Commissioner

ATTEST:

Don Miles
Executive Director