

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 TREATMENT OF) CASE NO. 93-040
INFORMATION FILED IN SUPPORT OF ITS)
MEGACOM PLUS SERVICE)

O R D E R

This matter arising upon petition of AT&T Communications of the South Central States, Inc. ("AT&T") filed February 1, 1993 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the revenue, cost, and unit volume data contained in the Revenue Analysis filed in support of its Megacom Plus Service 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 introduce a new service referred to as AT&T Megacom Plus Service. In support of its application for this service, AT&T has filed a Revenue Analysis which it seeks to protect as confidential on the grounds that disclosure of the information is likely to cause AT&T competitive injury. The information sought to be protected is not known outside of AT&T and is known only to those AT&T 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, cost, and unit volume information contained in the Revenue Analysis. Competitors of AT&T 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.

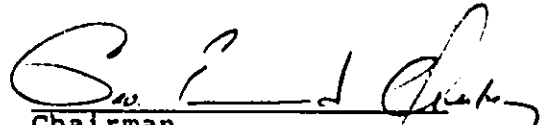
This Commission being otherwise sufficiently advised,

IT IS ORDERED that the revenue, cost, and unit volume data contained in AT&T's Revenue Analysis, which AT&T has petitioned be withheld from public disclosure, shall be held and retained by this

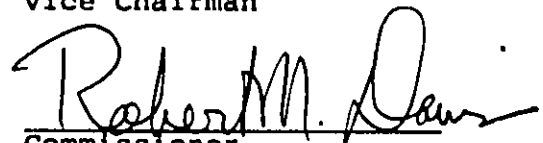
Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 8th day of March, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director