

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CINCINNATI BELL)
TELEPHONE COMPANY FOR CHANGES IN ITS) CASE NO. 93-392
UTILITY PLANT DEPRECIATION ACCOUNTS)

O R D E R

This matter arising upon petition of Cincinnati Bell Telephone Company ("Cincinnati Bell") filed October 21, 1993, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the information contained in the Proprietary Information Volume of Cincinnati Bell's 1994 Depreciation Rate Study on the grounds that disclosure of the information is likely to cause Cincinnati Bell competitive injury, and it appearing to this Commission as follows:

Cincinnati Bell seeks to protect as confidential all of the information contained in the Proprietary Information Volume of its 1994 Depreciation Rate Study. The information is filed in support of Cincinnati Bell's proposed new depreciation schedule for which it seeks approval from this Commission.

The information sought to be protected is not known outside Cincinnati Bell and is known only by those Cincinnati Bell employees who have a legitimate business need to know and act upon the information. Cincinnati Bell seeks to preserve and protect the confidentiality of the information through all appropriate measures.

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 outlines the timing of switching equipment cutovers as well as specific fiber optic cable deployment plans. Disclosure of such information would assist Cincinnati Bell's competitors in devising marketing strategies and taking advantages of weaknesses in Cincinnati Bell's system which are not otherwise known. Therefore, disclosure of the information is likely to cause Cincinnati Bell competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the proprietary information volume of Cincinnati Bell's 1994 Depreciation Rate Study, which Cincinnati Bell has petition 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 9th day of November, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director