

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF)
INFORMATION FILED WITH CINCINNATI BELL)
TELEPHONE COMPANY'S PETITION FOR) CASE NO. 93-008
EXEMPTION OF VOICE MESSAGING SERVICE)
FROM REGULATION)

O R D E R

This matter arising upon petition of Cincinnati Bell Telephone Company ("Cincinnati Bell"), filed March 24, 1994, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the 1994 demand and revenue forecast for regulated services used to provide "AnswerLink" on the grounds that disclosure of the information is likely to cause Cincinnati Bell competitive injury and it appearing to this Commission as follows:

By Order of the Commission entered November 23, 1993, Cincinnati Bell was required to file updated demand and revenue forecasts for the regulated services needed to provide AnswerLink, an unregulated service. Cincinnati Bell has complied with the Order and concomitantly requested that the forecast demand data be protected as confidential.

The information sought to be protected is not known outside Cincinnati Bell and is not disseminated within Cincinnati Bell except to those 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 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.

AnswerLink is essentially similar to unregulated answering services available from several sources which compete with Cincinnati Bell for this market. Such competitors could use the revenue and demand forecast sought to be protected in marketing their own services and, therefore, disclosure of the information is likely to cause Cincinnati Bell competitive injury and the information should be protected as confidential.

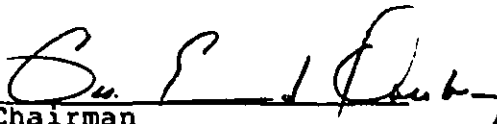
This Commission being otherwise sufficiently advised,

IT IS ORDERED that the 1994 demand and revenue forecasts for regulated services used to provide AnswerLink, which Cincinnati

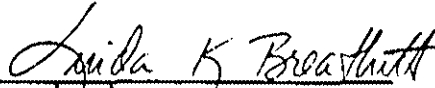
Bell has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 7th day of April, 1994.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director