

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF)
SOUTH CENTRAL BELL FOR CONFIDENTIAL) CASE NO. 94-017
TREATMENT OF TARIFF FOR REMOTE CALL)
FORWARDING)

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 January 13, 1994, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the sales and contributions projections and cost support data filed in support of South Central Bell's proposed tariff for remote call forwarding 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 has filed a revised tariff which provides for a volume discount for qualifying remote call forwarding customers. Remote call forwarding service is an exchange service that allows incoming calls to a remote call number to be forwarded to a customer's number which may be located in a distant location. The service allows a customer to maintain a local telephone number "presence" in a location remote from the customer's normal service area. Calls to the remote call forwarding telephone number are automatically forwarded on a sent-paid basis to a telephone number of the customer's choice, usually the customer's local exchange

service. Such forwarded calls may be local or toll, with the customer paying for the forwarded call. The purpose of the proposed tariff is to encourage the business use of this service by providing a volume discount. The information sought to be protected consists of sales and contributions projections and cost support data filed in support of the proposed tariff. The information sought to be protected is not known outside 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 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.

South Central Bell's competitors for remote call forwarding are other providers of local telephone service. The information sought to be protected would allow such competitors to determine South Central Bell's cost and contribution from the service which they could use in marketing their competing service. Therefore, disclosure of the information is likely to cause South Central Bell competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the sales and contribution projections and cost support data filed in connection with the proposed tariff for remote call forwarding, 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 16th day of February, 1994.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director