

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF)
INFORMATION FILED WITH SOUTH CENTRAL)
BELL'S PROPOSED TARIFF FOR INTEGRATED)
SERVICES DIGITAL NETWORK - INDIVIDUAL) CASE NO. 94-257
BUSINESS SERVICE, INTEGRATED SERVICES)
DIGITAL NETWORK - INDIVIDUAL RESIDENCE)
SERVICE, AND MEGALINK® INTEGRATED)
SERVICES DIGITAL NETWORK)

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 July 1, 1994, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the revenue, sales, contribution projections, and cost support data developed in connection with its proposed tariff for Integrated Services Digital Network - Individual Business Service ("ISDN-IBS"), Integrated Services Digital Network - Individual Residence Service ("ISDN-IRS"), and MegaLink® Integrated Services Digital Network ("MegaLink") 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:

Integrated Services Digital Network is a service which provides for the digital transmission of information. In order to expand this service, South Central Bell has proposed a tariff which will not charge foreign central office or inter-office transport

charges to subscribers who are located in central offices that are not equipped with ISDN capability. In support of its proposed tariff, South Central Bell has submitted information which relates to the revenue, sales, and contribution projections developed in connection with the new service. By this petition, South Central Bell seeks to protect the information as confidential.

The information sought to be protected is not known outside of South Central Bell and is not disseminated within South Central Bell except to those employees who have a legitimate business need to know and act upon the information. South Central Bell seeks to preserve and protect the confidentiality of the information through all appropriate means.

KRS 61.072(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 61.078(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 ISDN-IBS, ISDN-IRS, and MegaLink® ISDN offerings will allow customers to transmit voice and data over ISDN channels through the exchange network. These offerings are alternatives to other local exchange service offerings, private line/data services, and dedicated private line networks. South Central Bell's competitors for local exchange service are cellular carriers who may also provide cellular data services and will soon include providers of personal communications services, cable TV providers and alternate access providers. Other competitors for private line/data services and networks are interexchange carriers, resellers, and vendors of microwave, digital radio, fiber, VSAT, and other wireless equipment and services. Such competitors could use the information sought to be protected to determine South Central Bell's costs and contribution from the service. This information would enable competitors to market their competitive services to the detriment of South Central Bell and, 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 revenue, sales, and contribution projections and cost support data developed in connection with South Central Bell's proposed tariff for ISDN-IBS, ISDN-IRS, and MegaLink® services, 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 3rd day of August, 1994.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director