

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF)
INFORMATION FILED WITH SOUTH CENTRAL) CASE NO. 94-288
BELL TELEPHONE COMPANY'S PROPOSED)
TARIFF FOR BACK-UP* LINE)

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 August 1, 1994, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the sales forecasts, cost support data, and projected contribution levels developed in connection with the Back-Up Line tariff 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 proposed tariff for Back-Up Line service. In support of its proposed tariff, South Central Bell has submitted sales forecasts, cost support data, and projected contribution levels which it seeks to protect as confidential.

The information sought to be protected is not known outside of South Central Bell and is not disseminated within South Central

* Service Mark of BellSouth Corporation

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 61.872(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.

Back-Up Line service is a complementary service, as well as an alternative, to business local exchange service. Local exchange service is currently competitive with services provided by cellular carriers and for some applications with private line networks such as microwave service, digital radio service, and fiber networks. Disclosure of the information sought to be protected would allow such competitors to determine South Central Bell's cost, market projections, and contributions from the service. This information

could be used by South Central Bell's competitors to market their competitive service to the detriment of South Central Bell. 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 forecasts, cost support data, and projected contribution levels developed in connection with the Back-Up Line tariff, 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 31st day of August, 1994.


PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director