

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CINCINNATI BELL TELEPHONE COMPANY'S )  
PETITION FOR CONFIDENTIAL TREATMENT OF )  
COST SUPPORT DATA CONTAINED IN ) CASE NO. 94-388  
PROPOSED REVISIONS TO GENERAL EXCHANGE )  
TARIFF, PSCK NO. 3 TO OFFER LAN )  
ADVANTAGE<sup>SM</sup> SERVICE )

O R D E R

This matter arising upon petition of Cincinnati Bell Telephone Company ("Cincinnati Bell"), filed October 18, 1994, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support data filed in support of its proposed tariff for LAN Advantage<sup>SM</sup> service, 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 proposes to offer a new service called LAN Advantage<sup>SM</sup>. In support of its tariff for the proposed service, Cincinnati Bell has filed cost data which it seeks to protect 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.


Cincinnati Bell's new service, which will provide high speed data applications, will face competition from other companies in the special access market. These include Time Warner AxS, MCI Metro, FiberNET, MFS and other companies. Disclosure of the cost information would allow such competitors to determine Cincinnati Bell's cost and contribution from LAN Advantage<sup>SM</sup>, which they could utilize in devising competing marketing strategies. 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,

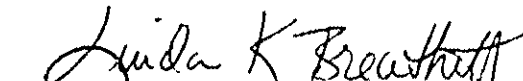
IT IS ORDERED that the cost support data developed by Cincinnati Bell in connection with its proposed LAN Advantage<sup>SM</sup> service, which Cincinnati Bell has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 11th day of November, 1994.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director