

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF)
INFORMATION FILED WITH SOUTH CENTRAL)
BELL TELEPHONE COMPANY'S PROPOSED TARIFF) CASE NO. 94-414
FOR AREA CALLING SERVICE EXPANSION)

O R D E R

This matter arising upon the petition of BellSouth Telecommunications, Inc., d/b/a South Central Bell Telephone Company ("South Central Bell"), filed November 1, 1994, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the market and cost data in Attachments A and B to its proposed 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 plans to offer its area calling service in several exchanges where the service is not currently available and to expand the service in other exchanges where it is available. In connection with this proposal, South Central Bell has filed revised portions of its tariff to cover the service. In support of its tariff revisions, South Central Bell has included call data in Attachment A to its tariff and pricing information in Attachment B, all of which South Central Bell seeks to protect as confidential.

The information sought to be protected is not known outside 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 61.872(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.

The call data filed in Attachment A could be used by competitors of South Central Bell to evaluate the size of the market in the various exchanges affected by the proposed revisions. Competitors could use the information in devising competing marketing strategies to the detriment of South Central Bell and, therefore, the information should be protected as confidential. The information sought to be protected in Attachment B would allow competitors to determine the revenue that South Central Bell expects to derive from the service in the various markets that will

be introduced or expanded. This also would assist competitors in devising effective marketing strategies to compete with South Central Bell and, therefore, this information should also be protected.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the market and cost information filed in support of the revised tariffs, which South Central 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 5th day of December, 1994.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director