

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INQUIRY INTO INTRALATA TOLL)
COMPETITION, AN APPROPRIATE)
COMPENSATION SCHEME FOR COMPLETION OF) ADMINISTRATIVE
INTRALATA CALLS BY INTEREXCHANGE) CASE NO. 323
CARRIERS, AND WATS JURISDICTIONALITY)

O R D E R

This matter arising upon petition of BellSouth Telecommunications Corporation d/b/a South Central Bell Telephone Company ("South Central Bell"), filed November 20, 1989, pursuant to 807 KAR 5:001, Section 7, for confidential protection of responses to Item 1 of the March 24, 1989 requests of LDDS of Kentucky, Inc. and LDDS of Indiana, Inc. (collectively "LDDS") 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:

In response to Item 1 of a series of data requests served by LDDS, South Central Bell has filed a map that provides the location of its exchanges and the facility routes which interconnect those exchanges. On November 20, 1989, South Central Bell petitioned to protect the map as confidential on the grounds that disclosure of the information was likely to cause it competitive injury. Although the information has been protected from the date of its filing, it was discovered in preparing the record for appeal that no Order to that effect has been entered.

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, including the maintenance of appropriate security at its offices.

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 several categories of information. One category exempted in paragraph (c)1 of that section is commercial information confidentially disclosed to the Commission which, if made public, would permit an unfair commercial advantage to competitors of the party from whom the information was obtained. To qualify for the exemption, 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 information sought to be protected would enable interexchange carriers, who are authorized to provide intraLATA service, to discern where South Central Bell's facilities are concentrated. This information could be used by the interexchange carriers offering intraLATA service to establish Points of Presence or to construct facilities so as to best avoid switched or special


access charges within the LATA, potentially stranding South Central Bell's plant and depriving it of revenue. Therefore, disclosure of the information is likely to cause South Central Bell competitive injury and the information should be protected as confidential.

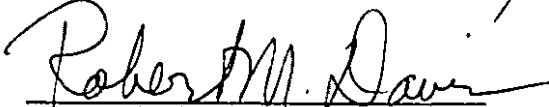
This Commission, being otherwise sufficiently advised,

IT IS ORDERED that the map filed in response to Item 1 of LDDS's data requests, 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 13th day of June, 1995.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director