

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 NOTIFICATION) CASE NO. 95-040
OF A CUSTOMER TRIAL OF AREA NUMBER)
CALLING SERVICE)

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 January 31, 1995, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the revenue, sales, and contribution projections and cost support data developed in connection with South Central Bell's proposed trial customer arrangement with Pizza Hut of America, Inc. ("Pizza Hut") for Area Number Calling Service 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 entered into a contract with Pizza Hut to provide Area Number Calling service with zip code routing on a 60-day trial basis. Area Number Calling Service is an Advanced Intelligent Network service available in Section A34 of the General Subscriber Services Tariff. Zip code routing is a feature that is not yet tariffed. The new service with zip code routing will be called ZipCONNECTSM. In support of the proposed contract, South

Central Bell has filed revenue, sales, and contribution projections and cost support data which it 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, 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 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.

South Central Bell's competitors are other providers of single number service. This could include interexchange carriers and other vendors as well. From the information at issue

competitors could determine South Central Bell's cost and contribution from the service which they could use in devising competing market strategies. Therefore, disclosure of the information at issue 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 the proposed trial arrangement with Pizza Hut, 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 3rd day of March, 1995.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director