

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CINCINNATI BELL TELEPHONE COMPANY'S)
PROPOSED REVISIONS TO EXCHANGE RATE) CASE NO. 95-055
TARIFF, PSCK NO. 1 TO OFFER PRIME)
ADVANTAGE™ SERVICE)

O R D E R

This matter arising upon petition of Cincinnati Bell Telephone Company ("Cincinnati Bell"), filed February 9, 1995, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support data filed in support of its proposed revision to its exchange rate tariff 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 has proposed a revision to its exchange rate tariff to offer PRIME Advantage™ Service. In support of the proposed revision, Cincinnati Bell has filed cost data which it seeks to protect as confidential.

The information sought to be protected is not known outside of 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, 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 subsection is commercial information confidentially disclosed to the Commission whose public disclosure would permit an unfair commercial advantage to the party from whom the information was obtained. To qualify for this 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.

Local services like PRIME Advantage™, which provide advanced and flexible switched services, face new competitive threats. The cost information sought to be protected would provide Cincinnati Bell's competitors the cost and contribution to be derived from the service. Competitors could use this information unfairly to plan market entry, service, and pricing strategies to the detriment of Cincinnati Bell. 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 data filed by Cincinnati Bell in support of its proposed revisions to its exchange rate tariff, PSCK No. 1, which Cincinnati Bell has petitioned to be withheld from

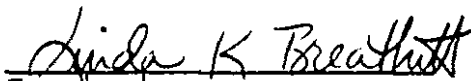
public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 28th day of March, 1995.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director