

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CINCINNATI BELL TELEPHONE COMPANY'S )  
PETITION FOR CONFIDENTIAL TREATMENT OF )  
COST DATA FILED IN CONNECTION WITH ) CASE NO. 95-105  
KENTUCKY STATE GOVERNMENT REQUEST FOR )  
PROPOSAL ET-41-95 )

O R D E R

This matter arising upon petition of Cincinnati Bell Telephone Company ("Cincinnati Bell"), filed March 17, 1995, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support information filed in relation to certain special access services offered by Cincinnati Bell in its service area on the grounds that disclosure of the information is likely to cause Cincinnati Bell competitive injury, and it appearing to this Commission as follows:

In response to a request from the Commission, Cincinnati Bell has filed cost information which relates to special access services offered by Cincinnati Bell in its service area. Cincinnati Bell has petitioned the Commission to protect this information 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, 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 from open inspection. One category exempted in paragraph (c)1 of that subsection is information confidentially disclosed to the Commission which if openly disclosed would permit an unfair commercial advantage to competitors of the source of the information. 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.

The special access services offered by Cincinnati Bell face competition from special access competitors such as Time Warner AxS, MCI Metro, FiberNET, MFS, and others. Competitors of Cincinnati Bell could use the information to determine Cincinnati Bell's cost and contribution from the special access services which competitors could then use to plan market entry, as well as strategies for providing and pricing similar services. Thus, 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 in connection with Cincinnati Bell's special access services, 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 19th day of April, 1995.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director