

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF)
INFORMATION FILED WITH CINCINNATI BELL)
TELEPHONE COMPANY'S PROPOSED REVISIONS) CASE NO. 95-139
TO GENERAL EXCHANGE TARIFF, PSCK NO. 3,)
TO OFFER LAN ADVANTAGE FRAME RELAY™)

O R D E R

This matter arising upon petition of Cincinnati Bell Telephone Company ("Cincinnati Bell"), filed March 30, 1995, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost data filed in support of its proposed tariff revisions 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 this proceeding Cincinnati Bell has proposed revisions in its general exchange tariff to offer LAN Advantage Frame Relay™ Service. In support of its application, Cincinnati Bell has filed cost information which it seeks to protect 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 subsection (1) of KRS 61.878. That subsection exempts several categories of information. One category exempted by subparagraph (c)1 is 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 publically disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

LAN Advantage Frame RelaySM Service is a special access service that provides high speed data communication. Competitors include Time Warner AxS, interchange carriers, and other companies in the special access market. Disclosure of the information would enable competitors to determine Cincinnati Bell's cost and contribution from the service which they could use unfairly to plan market entry, as well as strategies for providing and pricing similar services, 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 information filed in support of the proposed tariff revision, 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 1st day of May, 1995.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director