

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INQUIRY INTO LOCAL COMPETITION,)	ADMINISTRATIVE
UNIVERSAL SERVICE, AND THE NON-TRAFFIC)	CASE NO. 355
SENSITIVE ACCESS RATE)	

O R D E R

This matter arising upon petition of Cincinnati Bell Telephone Company ("Cincinnati Bell"), filed June 17, 1996, pursuant 807 KAR 5:001, Section 7, for confidential protection of the cost information contained in the study requested by the Commission in its Order of April 3, 1996 on the grounds that disclosure of the information is likely to cause Cincinnati Bell competitive injury, and it appearing to this Commission as follows:

On April 3, 1996, the Commission issued an Order directing Cincinnati Bell to submit within 45 days "a complete study of the most recent estimate (1994-1995) of the incremental cost of providing local exchange service on a statewide, disaggregated level." In response to that request, Cincinnati Bell filed a study containing the cost information which it seeks to protect as confidential. As grounds for its petition, Cincinnati Bell maintains that disclosure of the information is likely to cause it competitive injury.

The information sought to be protected is not known outside of Cincinnati Bell and is known only to those Cincinnati Bell employees who have a legitimate business need

to know and act upon the information. Cincinnati Bell's policy is to preserve the confidentiality of the information through all appropriate means, including the maintenance of proper 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 subsection 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 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 technology necessary to offer local exchange service is currently available to Cincinnati Bell's competitors, many of whom are parties to this proceeding, and several of whom have already announced their intention to offer competitive local exchange services. The cost information sought to be protected is valuable information which could be used to plan market entry 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.

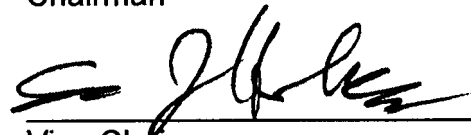
This Commission being otherwise sufficiently advised,

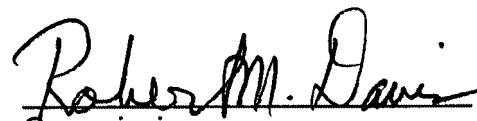
IT IS ORDERED that the cost information filed in response to the Commission's Order of April 3, 1996, which Cincinnati Bell has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 3rd day of July, 1996.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

APPENDIX

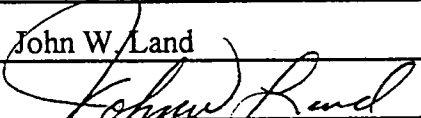
APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC
SERVICE COMMISSION IN CASE NO. 96-355 DATED 7/29/96

April 26, 1996

Page 1

UTILITY ACCIDENT
INVESTIGATION REPORT

Utility:	Kentucky Utilities				
Reported By:	Brian Dickie - Kentucky Utilities				
Dates & Times					
Accident Occurred:	03/13/96 - 8:30 am (CST)				
Utility Notified:	03/13/96 - 10:00 am (EST)				
PSC Notified:	03/13/96 - 11:33 am (EST)				
Investigated:	03/14/96				
Written Report Rcvd:	03/14/96				
Location of Accident:	3236 Taylor Mine Road, Beaver Dam, Kentucky 42320				
Description of Accident:	<p>Apparently, an electric fence located on Mickey Baize's property, that also extends over to and around Roger Hamilton's property, broke and recoiled up into a Kentucky Utility's three phase 2400 Volt overhead line. Katrena Hamilton had been out earlier that morning and when she returned home she told Roger Hamilton, her husband, that there were two dead cows down by the drive. Roger Hamilton, Katrena Hamilton and brother, Darrell Hamilton went out to check. Roger Hamilton was apparently injured when he came into contact with the electric fence which had been energized by the power line.</p> <p>The electric fence was attached to two of Kentucky Utility's poles as it crossed over Mr. Baize's property to Mr. Hamilton's property. Mr. Baize stated that the fence had been attached to Kentucky Utility's poles for approximately five to six years. The electric fence broke on Mr. Baize's property. Mr. Baize also stated that the fence had been previously broken by a Kentucky Utilities crew when they had come out to install an outdoor light on his property and they had spliced the wire back where it had broken.</p>				
Victims:					
Name:	Roger Hamilton	Fatal:	No	Age:	44
Addr./Empl.:	3236 Taylor Mine Road, Beaver Dam, Kentucky - Self Employed				
Injuries:	Burns to both hands and both feet.				
Witnesses:	Name	Address/Employment			
	Katrena Hamilton	3236 Taylor Mine Rd., Beaver Dam, KY			
	Darrell Hamilton	3236 Taylor Mine Rd., Beaver Dam, KY			

Sources of Information:	Name		Address/Employment		
	Mickey Baize		3040 Taylor Mine Rd., Beaver Dam, KY		
	Darrell Hamilton		3236 Taylor Mine Rd., Beaver Dam, KY		
	Gerald Hardison		KU Employee, Beaver Dam, KY		
Probable Violations:	1981 NESC, Rule 280 A.4. An electric fence was attached to two of Kentucky Utilities' poles.				
Line Clearances At Point of Accident:	Measured	Minimum Allowed by NESC	Applicable NESC Edition¹	Volt.	Constr. Date
Road Phase to Ground Elevation:	25' - 6"	20' - 0"	1981	2400 V	1989
Center Phase to Ground Elevation:	25' - 4"	20' - 0"	1981	2400 V	1989
Field Phase to Ground Elevation:	25' - 2"	20' - 0"	1981	2400 V	1989
Primary Neutral to Ground Elevation:	21' - 6"	18' - 0"	1981	N/A	1989
Span Length:	164'				
Date of Measurement:	03/14/96				
Approximate Temp.:	50°				
Measurements Made By:	Brian Dickie, Tom Frizzell, Gerald Hardison, Larry Lee (KU Employees) and John Land (PSC Engineering Staff).				
Investigated By:	John W. Land				
Signed:					

¹ Current edition adopted by the Commission. If clearances are not in compliance with the current edition, then the edition in effect when the facilities were last constructed or modified would apply.

Attachments:

- A. Kentucky Utilities Accident Report
- B. Correspondence
- C. Photographs

Attachment A

Kentucky Utilities Accident Report

P

REPORT OF INCIDENT - PUBLIC

Personal Injury or property damage
KU 24-10 REV 01/17/94

Kentucky Utilites Co.

Company

424 N. Main St.

Address

Beaver Dam

Ky

City

State

Claim No. _____

Co. Claim No. _____

TIME AND PLACE OF INCIDENT	Date <u>March 13</u> 19 <u>96</u> Time <u>8:30</u> ^(AM) _{PM} Location <u>3236 Taylor Mine Rd</u> <small>Street</small>		
	<u>Beaver Dam</u>	<u>Ohio</u>	<u>Ky</u>
	<small>City</small>	<small>County</small>	<small>State</small>
PERSON INJURED	Name <u>Roger Hamilton</u> Age <u>44</u> Married <u>X</u> Ages of Children <u>na</u>		
	Address <u>3236 Taylor Mine Rd.</u> <u>Beaver Dam</u> <u>Ky</u> Phone <u>502-274-7338</u> <small>Street City State</small>		
	Occupation <u>equipment repair</u> Employer <u>Hamilton Bros.</u>		
	Nature and extent of injuries <u>1st degree burns to feet, muscle spasms</u>		
	Injured taken to <u>Ohio Co. Hospital</u> Name of physician _____		
PUBLIC PROPERTY DAMAGED	Owner's Name <u>Mickey Baize</u> Address <u>Taylor Mine Rd. Beaver Dam, Ky</u>		
	Description of Property Damaged <u>2 cows</u>		
	Nature and Extent of Damages <u>2 cows dead</u>		
	Estimated Cost to Repair or Replace _____		
INCIDENT	How did the incident happen? (Give full details, describing equipment or other property involved and nature of work being done.)		
	<u>Apparently, electric fence broke for unknown reason and recoiled into</u>		
	<u>electric power line. Apparently, Mr. Hamilton and cattle contacted</u>		
	<u>energized electric fence.</u>		
WITNESS OR PERSONS PRESENT	Name	Address	Phone
1.			
2.			
3.			
	Report Made By <u><i>Dennis F. Fry</i></u> Date <u>3-13-96</u>		
	Report Approved By <u><i>Gerald Gacke</i></u> Date <u>3-13-96</u> <small>(Dist. Mgr. or Dept. Head)</small>		

Attachment B

Correspondence

Utilities



Kentucky
Utilities
Company

March 25, 1996

RECEIVED

MAR 25 1996

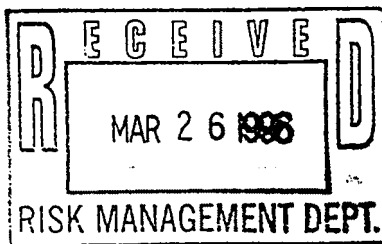
DIVISION OF UTILITY
ENGINEERING & SERVICES

John Land
Utilities Investigator Senior
Public Service Commission

The information you requested about when the electric line was originally built was in 1953 as single phase construction. The single phase line was relocated in September 1978 by request of Pyramid Mining in order to build a commercial building. The single phase line was upgraded to 3 phase construction in September 1979 to service this building. Another section of the single phase line was upgraded to 3 phase construction in July 1989 to serve Baize's Sawmill.

Sincerely,

Thomas W. Frizzell
Manager Beaver Dam office



U INSPECTION REPORT

OFFICE BEAVER DAM

METER AND SERVICE DROP INSPECTION
ROUTE No. _____

DISTRIBUTION AND SECONDARIES INSPECTION
ZONE (LINE LOCATION) 77-5 18-B

Instructions to inspection personnel: Inspect all distribution facilities in the designed area or route, complete report and present it to local manager, copy to district manager.

Inspection Check List:

Conductors	<u>✓</u>	Crossarms	<u>✓</u>	Lightning arresters,	
Insulators	<u>✓</u>	Guys and anchors	<u>✓</u>	cutouts & grounds	<u>✓</u>
Poles/structures	<u>✓</u>	Transformers	<u>✓</u>	Service drops	_____
				Meters	_____

Maintenance required or other remarks (attach additional sheets as required).
Show location by line, route or address

ARRESTOR BLOWN - 3RD POLE ON RUNDLER RD
FROM HIGHLAND DC. Meter #128940

Visual inspection performed in whole or in part in connection with regular duties.

Date Completed 3-7-95 HARRY D. CURRINGTON
Inspection Personnel

Instructions to maintenance personnel: When work is finished, complete report and present it to local manager, copy to district manager.

Repairs or other maintenance performed (attach additional sheets as required)

Date Completed _____
Maintenance Personnel

133102-021 RES 1&3 STATUS ACTIVE PEAD ROUTE 0409 PAGE 1
 HAMILTON, DARRELL ON DATE 11/95 BKKI
 3236 TAYLOR MINES RD OFF DATE PHOL 03/13/96
 BEAVER DAM, KY BALANCE 281.27 CIS ACTIVITY MULT *

***** USAGE HISTORY - USEH *****

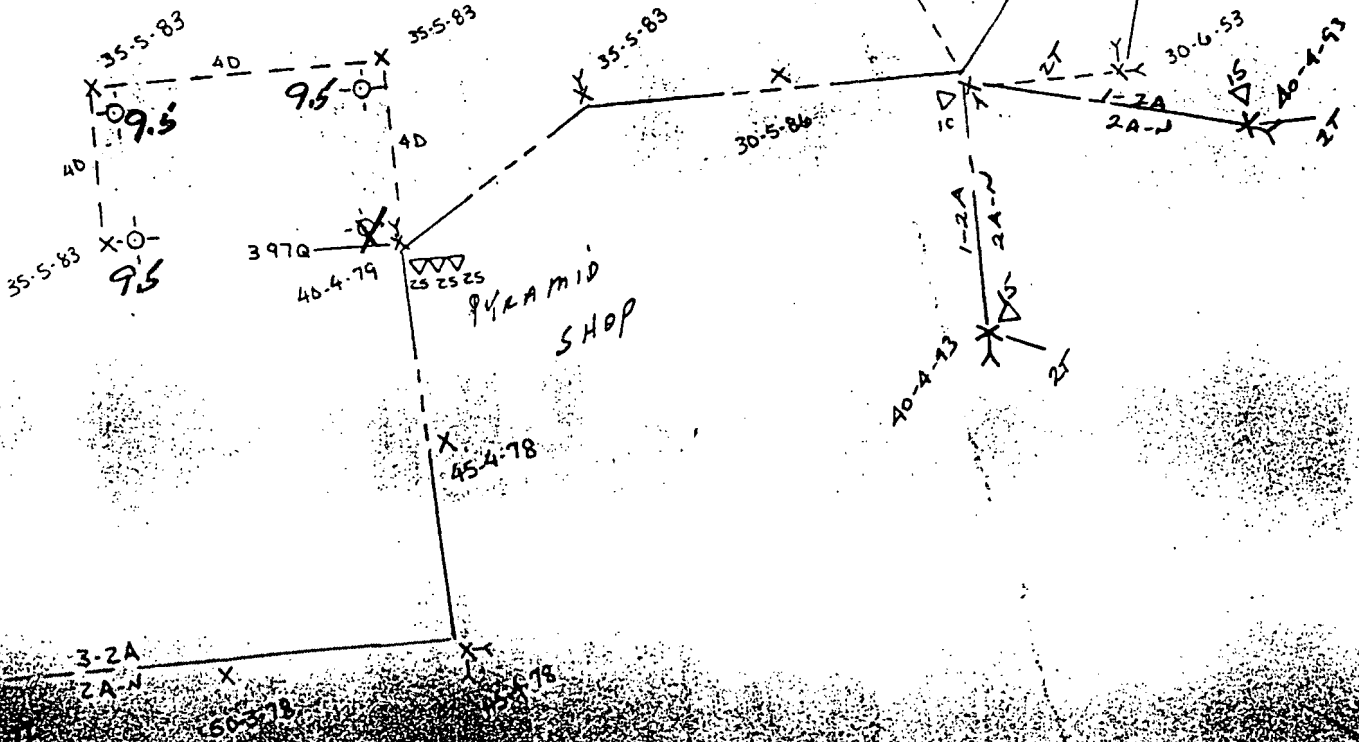
METER NO. W504637 SUB-ADD CD A MULTP 00040 INST DATE 11/07/95 BILL CD 060

REV.	READ	NO	RD	BILLED	MEASURED	POW.FACT.	REVENUE	US
MO.	DATE	DAYS	RDG.	CD	KWH	KW	ADJ. KW	BILLED CD TEN
02/96	02/14	30	00515	R	6440			248.65 R 021
01/96	01/15	33	00354	R	6720	.0	.0	259.12 R 021
12/95	12/13	30	00186	V	6520	.0	.0	251.64 V 021
11/95	11/13	12	00023	R	1360	.0	.0	53.98 R 021
10/00	11/01	0	09961	R	0	.0	.0	.00 R 021
11/95	11/01	19	09961	R	2400	16.0	.0	101.16 R 020
10/95	10/13	28	09901	R	3320	15.6	.0	156.61 R 030
09/95	09/15	30	09818	R	2360	16.4	.0	133.68 P 030
08/95	08/16	30	09759	R	2080	10.8	.0	102.44 R 030
07/95	07/17	33	09707	P	3240	12.0	.0	111.87 P 030
06/95	06/14	30	09651	R	2080	11.2	.0	104.12 P 030
05/95	05/15	32	09599	R	3320	13.2	.0	146.50 R 020
04/95	04/13	29	09516	V	2200	12.8	.0	114.15 V 020

ENTER TRANSACTION CODE OR PAGING REQUEST-

3/96 3/13

34.5 KV



PYRAMID SHOP

SAW MILL

Attachment C

Photographs

