

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF)
INFORMATION FILED WITH BELLSOUTH) CASE NO. 95-565
TELECOMMUNICATIONS, INC.'S PROPOSED)
ADDITIONAL LINE PROMOTION)

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc., d/b/a South Central Bell Telephone Company ("BellSouth"), filed December 18, 1995, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost information filed in support of its proposed additional business line promotion on the grounds that disclosure of the information is likely to cause BellSouth competitive injury, and it appearing to this Commission as follows:

BellSouth is planning a promotion to encourage customers to order additional business lines and backup lines. In support of its request for approval of the plan, BellSouth has filed cost information which it seeks to protect as confidential.

The information sought to be protected is not known outside of BellSouth and is not disseminated within BellSouth except to those employees who have a legitimate business need to know and act upon the information. BellSouth 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 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.

BellSouth alleges that it competes with cellular carriers in this market. While cellular carriers currently offer mobile telephone services, those services are offered to a specialized and restricted market. The additional lines BellSouth is planning to promote, however, are part of its business basic exchange service for which BellSouth has no effective competition. Therefore, disclosure of the information is not likely to cause BellSouth competitive injury, and the information should not be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The petition to protect as confidential the cost data filed in support of BellSouth's additional business line promotion is denied.

2. The information sought to be protected shall be held and retained by this Commission as confidential and shall not be open for public inspection for 20 days from the date hereof, at the expiration of which it shall, without further orders herein, be placed in the public record.

Done at Frankfort, Kentucky, this 29th day of January, 1996.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director