

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL PROTECTION OF)
INFORMATION FILED WITH BELLSOUTH TELE-)
COMMUNICATIONS, INC.'S SPECIAL PROMOTION)
NOTIFICATION FOR INTEGRATED SERVICES) CASE NO. 95-568
DIGITAL NETWORK - BUSINESS SERVICE (IBS))
AND INTEGRATED SERVICES DIGITAL NETWORK)
- RESIDENCE SERVICE (IRS))

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 data filed in support of BellSouth's proposed plan to waive service ordering and installation charges for Integrated Services Digital Network ("ISDN") service, on the grounds that disclosure of the information is likely to cause BellSouth competitive injury, and it appearing to this Commission as follows:

BellSouth has proposed waiving service ordering and installation charges for establishing ISDN business and residence service during the period of January 15, 1996 through June 30, 1996. The waiver is intended to motivate customers to choose one of these services. In support of its request for approval of the waiver, 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.

The service being promoted allows customers to transmit voice and data over ISDN channels through the exchange network. The service is an alternative to other local exchange service offerings, private line/data services, and dedicated private line networks. BellSouth's competitors for private line/data services and networks are interexchange resellers, and vendors of microwave, digital radio, fiber, VSAT, and other wireless equipment and services. In addition, cellular carriers may provide cellular data

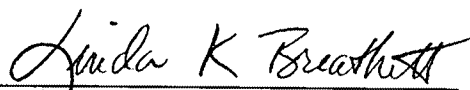
service. Disclosure of the information sought to be protected would enable competitors to determine BellSouth's cost and contribution from the service which they could use in marketing their competing service. Therefore, disclosure of the information is likely to cause BellSouth competitive injury, and 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 waiver of service charges, which BellSouth 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 22nd day of January, 1996.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director