

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF )  
INFORMATION FILED WITH BELL SOUTH ) CASE NO. 96-048  
TELECOMMUNICATIONS, INC.'S PROPOSED )  
TARIFF TO ADD VOLUME DISCOUNTS FOR )  
CRISISLINK<sup>SM</sup> SERVICE )

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. ("BellSouth"), filed February 14, 1996, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost data filed in support of its proposed tariff revision for CrisisLink<sup>SM</sup> Service on the grounds that disclosure of the information is likely to cause BellSouth competitive injury, and it appearing to this Commission as follows:

In this proceeding BellSouth seeks approval of its proposed revisions to its tariff for CrisisLink<sup>SM</sup> Service. The proposed revisions introduce a volume discount option for subscribers with multiple locations and clarify certain regulations. In support of its application for approval of the revisions, BellSouth has filed cost support 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 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's competitors for this service are providers of single number service, including interexchange carriers and other vendors. Disclosure of the information would enable competitors to determine BellSouth's cost and contribution from the service which they could use in marketing their competing service to the detriment of BellSouth. Therefore, disclosure of the information is likely to cause BellSouth competitive injury, and the information should be protected as confidential.

BellSouth also maintains that the cost information should be protected because it contains vendor-specific pricing negotiated by BellSouth and protected by non-disclosure agreements. Since it has been determined that the information is entitled to protection

because it would give an unfair advantage to BellSouth's competitors offering the same service, this issue need not be addressed.

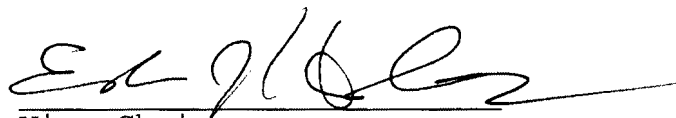
This Commission being otherwise sufficiently advised,

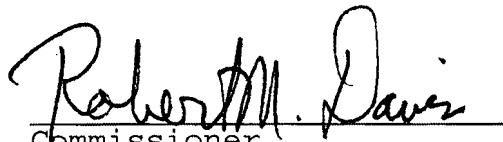
IT IS ORDERED that the cost information filed in support of the proposed revisions to the tariff for CrisisLink<sup>SM</sup> Service, which BellSouth has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 14th day of March, 1996.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director