

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CINCINNATI BELL TELEPHONE COMPANY'S )  
PETITION FOR CONFIDENTIAL TREATMENT )  
OF DATA SUBMITTED IN SUPPORT OF A ) CASE NO. 96-363  
SPECIAL PROMOTION INVOLVING CALLER )  
ID SERVICES )

O R D E R

This matter arising upon petition of Cincinnati Bell Telephone Company ("CBT"), filed July 29, 1996, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the revenue analysis filed in support of CBT's special promotion for Caller ID services on the grounds that disclosure of the information is likely to cause CBT competitive injury, and it appearing to this Commission as follows:

The Commission has requested CBT to provide certain information concerning its special promotion involving Caller ID service. In response to that request, CBT has filed a revenue analysis which it seeks to protect as confidential on the grounds that its disclosure is likely to cause CBT competitive injury.

The information sought to be protected is not known outside of CBT and is known only to those CBT employees who have a legitimate business need to know and act upon the information. CBT seeks 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 to provide Caller ID service is currently available to CBT's competitors and potential competitors, many of whom are party to Administrative Case No. 355.<sup>1</sup> The revenue information sought to be protected would provide these competitors with marketing demand and cost information which they could use in planning market entry to the detriment of CBT. Therefore, disclosure of the information is likely to cause CBT competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the revenue analysis filed in support of CBT's promotion involving Caller ID services, which CBT 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.

---

1

Administrative Case No. 355, An Inquiry Into Local Competition, Universal Service and the Non-Traffic Sensitive Access Rate.

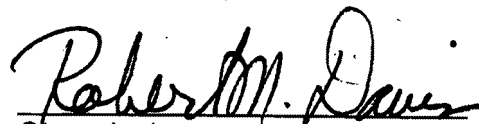
Done at Frankfort, Kentucky, this 28th day of August, 1996.

PUBLIC SERVICE COMMISSION

  
Chairman



Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director