

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION BY AT&T COMMUNICATIONS OF)
THE SOUTH CENTRAL STATES, INC. FOR)
ARBITRATION OF CERTAIN TERMS AND)
CONDITIONS OF A PROPOSED AGREEMENT)
WITH GTE SOUTH INCORPORATED)
CONCERNING INTERCONNECTION AND)
RESALE UNDER THE TELECOMMUNICATIONS)
ACT OF 1996)

CASE NO. 96-478

O R D E R

This matter arising upon petition of AT&T Communications of the South Central States, Inc. ("AT&T"), filed October 10, 1996, pursuant to 807 KAR 5:001, Section 7, for confidential protection of AT&T's Pricing Proposal and Local Resale Data Transfer Requirements Version 2.0, on the grounds that disclosure of the information is likely to cause AT&T competitive injury, and it appearing to this Commission as follows:

This proceeding arises out of the Telecommunications Act of 1996 which was recently enacted by Congress to, inter alia, accelerate the introduction of competition in the telecommunications market. To achieve that objective, the Act provides for competition in the local exchange market and requires existing or incumbent local exchange companies to offer the use of their local telephone networks to competing carriers who elect to provide service in those markets. The incumbent carriers are permitted by the Act to negotiate rates for the use of their networks. If rates cannot be agreed upon, the Act allows the

competing carriers to petition the state agency charged with regulating the service to set the rates by arbitration.

In accordance with the provisions of the Act, AT&T has requested this Commission arbitrate the rates that GTE South Incorporated ("GTE") will be permitted to charge AT&T to interconnect with its system to provide local exchange service. The information sought to be protected was furnished as part of the arbitration proceeding and consists of AT&T's Pricing Proposal dated August 2, 1996 and the Local Resale Data Transfer Requirements Version 2.0 dated March, 1996, containing the prices, structure, and terms and conditions upon which AT&T plans to offer local exchange service, as well as certain underlying data. The information also includes certain markets in which AT&T intends to offer local exchange service in addition to dates on which the service will be offered. In filing the information, AT&T maintains that disclosure of the information is likely to cause it competitive injury and it is therefore entitled to protection under the applicable provisions of the Kentucky Open Records Act codified at KRS 61.872 et seq.

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). The procedure for obtaining confidential protection of information filed with the Commission is provided in regulation 807 KAR 5:001, Section 7. That regulation sets forth specific procedural requirements the applicant must meet before confidential protection can be granted. The applicant must file one copy of the material which identifies by underscoring, highlighting, or other reasonable means the information sought to be protected. The applicant must also file ten copies of the material which obscures the information sought to be protected. The petition filed by AT&T does

not satisfy these requirements of the regulation and, therefore, the information cannot be protected as confidential.

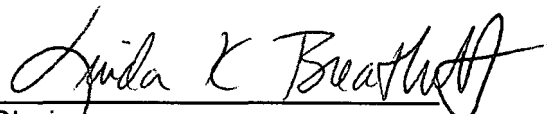
This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

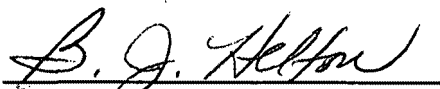
1. The petition to protect as confidential A&T's Pricing Proposal and its Local Resale Data Transfer Requirements is hereby denied.
2. The information sought to be protected shall be held and retained by this Commission as confidential and shall not be open for public inspection for a period of 20 days from the date of this Order to allow AT&T an opportunity to file a petition in accordance with the applicable statutes and regulations.
3. If at the expiration of the 20-day period no petition has been filed, the information shall be placed in the public record without further Orders herein.

Done at Frankfort, Kentucky, this 11th day of November, 1996.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director