

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BELLSOUTH TELECOMMUNICATIONS, INC.'S	)	
REQUEST FOR CONFIDENTIAL TREATMENT	)	
OF INFORMATION FILED IN SUPPORT OF ITS	)	CASE NO. 96-488
FLEXIBLE CALL FORWARDING GET	)	
ACQUAINTED OFFER	)	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. ("BellSouth"), filed October 16, 1996, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the demand, revenue, and cost support data developed in connection with its proposed promotion for Flexible Call Forwarding, 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 seeking approval of a planned promotion of a Flexible Call Forwarding Get Acquainted Offer for residential customers. The promotion is intended for both regular residence and ISDN Individual Residence lines. Customers subscribing to the service during the promotion period will have the nonrecurring charge and one month's recurring charge waived. In support of the promotion, BellSouth has filed demand, revenue, and cost data 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.

Flexible Call Forwarding is one of the services offered by BellSouth as a local exchange carrier. Its competitors include other telecommunications companies that are seeking to enter the local exchange market such as AT&T and Sprint, as well as companies now offering telecommunications service in that market. Disclosure of the information sought to be protected would provide such competitors with valuable cost and market data which they could use in marketing a competitive 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.

This Commission being otherwise sufficiently advised,


IT IS ORDERED that the demand, revenue, and cost support data developed in connection with BellSouth's Flexible Call Forwarding Get Acquainted Offer, 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 26th day of November, 1996.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director