

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CINCINNATI BELL TELEPHONE COMPANY S)	
PETITION FOR CONFIDENTIAL TREATMENT OF)	CASE NO.
CERTAIN TERMS AND CONDITIONS OF AN)	2002-00004
INDIVIDUAL CUSTOMER CONTRACT, AND COST)	
DATA IN SUPPORT THEREOF)	

ORDER

On August 5, 2002, Cincinnati Bell Telephone Company ("CBT") filed a motion for an extension of time to respond to the Commission's letters dated July 15, 2002 and July 22, 2002, denying confidential protection of the identities of three customers with whom CBT had executed separate special contracts. The motion further requested that the matters be consolidated with the proceedings in this case. On August 15, 2002, CBT filed a petition requesting that the Commission reconsider the determinations and renewing the request to consolidate the issues with the proceedings in this case. As grounds for its petition, CBT states that on July 16, 2002, the Federal Communications Commission issued an Order setting forth new rules relating to the disclosure of customer proprietary network information possessed by telecommunication carriers, and that those rules require CBT to protect the information as confidential.

On July 2, 2002, CBT filed three special contracts for Commission approval. On July 9, 2002, CBT filed three petitions to protect as confidential the identity of the customers with whom it had executed the special contracts and the cost information

filed to support approval of the contracts. On July 15, 2002, the Executive Director of the Commission advised CBT that the cost data supporting the first contract would be protected, but not the identity of the customer. On July 22, 2002, the Executive Director, by separate letters, again advised CBT that the cost data supporting the second and third contracts would be protected, but not the identities of the customers.

The determinations from the Executive Director were based on a Commission Order issued May 13, 2002 in this case. That Order denied confidential protection of a customer's identity in a special contract. The Commission confirmed that decision by Order on June 14, 2002. The decision became absolutely final when no appeal was taken and no request for rehearing was made within 30 days of the date of the last Order.

By its petition filed on August 15, 2002, CBT now seeks a Commission Order overruling the Executive Director's determination and protecting the identities of the customers to the special contracts. CBT further seeks to reopen the proceedings involving the special contract that was the subject of the June 14, 2002 Order.

This Commission, being otherwise sufficiently advised, HEREBY ORDERS that:

1. The petition to reconsider the denial of confidential treatment of the customers' identities in the special contracts executed between CBT and the customers, and to consolidate the determinations with the petition filed in this case, except for the contract for which final determination was made on June 14, 2002, is granted.

2. In accordance with the provisions of the First Data Request of Commission Staff issued in this proceeding on February 4, 2002, CBT shall, within 15 days, furnish the following information with respect to each contract that is the subject of the determinations made in July 2002.

- a. Describe the services to be provided.
- b. List the types of customers to whom CBT markets each service.
- c. For each type of customer marketed, describe the intended use of the service foreseen by CBT.
- d. Identify by name each CBT competitor capable of providing a competing service, and with respect to each:
 - (1) Describe the nature of the competitor s business.
 - (2) Describe the services that the competitor provides, or is capable of providing, that would compete with CBT s service.
 - (3) Explain how the competitor s service would compete with CBT s service.
- e. Has CBT conducted any market surveys or studies or made any estimates of the size of the market for each service in the market area that CBT and its competitors identified above serve?
- f. If the answer to the preceding question is in the affirmative, what percentage of the market is currently being served by CBT and what percentage of the market is being served by each competitor?
- g. If the answer to question 2(e) is in the negative, what information does CBT have that its competitors are providing a service that competes with a CBT service?
- h. With respect to each customer whose identity CBT seeks to protect:
 - (1) Did the customer initiate the contact with CBT about the service or did CBT initiate the contract?

(2) If the contact was initiated by CBT, how did CBT identify the customer as a potential user of the service?

(3) Which competitors identified in question 2(d) are capable of providing a competing service to the customers involved in these proceedings?

(4) Is CBT informed or otherwise aware of CBT customers being offered competing service from any of its customers, and, if so, how did CBT learn of the offers?

(5) Have the customers agreed to keep their identities confidential from CBT competitors?

(6) What benefit does CBT believe the customers on the contracts would derive from maintaining their identities as confidential?

Done at Frankfort, Kentucky, this 4th day of September, 2002.

By the Commission

ATTEST:


Executive Director