

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION CONCERNING THE PROPRIETY)	
OF INTERLATA SERVICES BY BELL SOUTH)	CASE NO.
TELECOMMUNICATIONS, INC. PURSUANT TO)	2001-105
THE TELECOMMUNICATIONS ACT OF 1996)	

CONFIDENTIALITY PETITION
PURSUANT TO 807 KAR 5:001 SECTION 7

Petitioner, BellSouth Telecommunications, Inc., (“BellSouth”), hereby moves the Public Service Commission of the Commonwealth of Kentucky (the “Commission”), pursuant to KRS 61.878 and 807 KAR 5:001, §7, to classify as confidential the highlighted information contained in portions of the Exhibits to BellSouth’s Responses to the Commission Data Request No. 2.

Exhibit 4 on CD-ROM format located in Proprietary CD subdirectory BST_R_PSCDR#1-2_EX4_092603.pdf; and

Exhibit 4 contained in the response to Commission Data Request #2.

Non-proprietary versions of the CD-ROM and Exhibit 4 are included.

Exhibit 4 shows names of specific Competitive Local Exchange Carriers (“CLEC”) operating in BellSouth’s Kentucky territory and specific penalties held in abeyance for P-13 LNP Disconnect Timelines. These CLECs are wholesale customers of BellSouth.

The Kentucky Open Records Act exempts certain information from the public disclosure requirements of the Act. KRS 61.878(1)(a) and (c)1. To qualify for the commercial information exemption and, therefore, keep the information confidential on that basis, a party must establish that disclosure of the commercial information would

permit an unfair advantage to competitors and the parties seeking confidentiality if openly discussed. KRS 61.878(1)(c)1; 807 KAR 5:001 § 7. The Commission has taken the position that the statute and rules require the party to demonstrate actual competition and the likelihood of competitive injury if the information is disclosed.

This information also is customer information specific to particular BellSouth customers, and these customers may have an expectation of privacy. Information provided to the Commission concerning specific customers also may be Customer Proprietary Network Information (“CPNI”) and should not be publicly disclosed without the approval of the individual customer.

The Commission should also grant confidential treatment to the information for the following reasons:

- (1) The information for which BellSouth is requesting confidential treatment is not known outside of BellSouth;
- (2) The information is not disseminated within BellSouth and is known only by those of BellSouth’s employees who have a legitimate business need to know and act upon the information;
- (3) BellSouth seeks to preserve the confidentiality of this information through all appropriate means, including the maintenance of appropriate security at its offices; and
- (4) By granting BellSouth’s petition, there would be no damage to any public interest.

For the reasons stated herein, the Commission should grant BellSouth’s request for confidential treatment of the identified information or at least until the customers in

question have a reasonable opportunity to advise whether they object to public disclosure of this information.

Respectfully submitted,

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