

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION CONCERNING THE PROPRIETY)	
OF PROVISION OF INTERLATA SERVICES BY)	
BELLSOUTH TELECOMMUNICATIONS, INC.,)	CASE NO.
PURSUANT TO THE TELECOMMUNICATIONS)	2001-105
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 Attachments to BellSouth's Response filed August 6, 2001, to Production of Documents No. 79 of AT&T's Data Requests dated July 16, 2001.

The Kentucky Open Records Act exempts certain commercial information from the public disclosure requirements of the Act. KRS 61.878(1)(c)1. To qualify for this commercial information exemption and, therefore, keep the information confidential, 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.

The material for which BellSouth seeks confidential treatment are business records that document internal procedures which BellSouth has developed. They are not available outside the Company and represent a work product in which BellSouth has invested a substantial amount of time and capital. These processes have potential value to other participants in the local exchange market such as: incumbent local exchange carriers (ILECs), competitive access providers (CAPS), facility-based competitive local exchange carriers (CLECs) and cable companies who have developed or are contemplating the development of wholesale network products.

Public disclosure of this information would provide BellSouth's competitors with an unfair competitive advantage. 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 these reasons, the Commission should grant BellSouth's request for confidential treatment of the Attachments to BellSouth's Response filed August 6, 2001, to Production of Documents No. 79 of AT&T Data Requests dated July 16, 2001.

Respectfully submitted,

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