

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

In the Matter of:)
)
INVESTIGATION CONCERNING THE)
PROPRIETY OF INTERLATA)
SERVICES BY BELLSOUTH) CASE NO. 2001-105
TELECOMMUNICATIONS, INC.)
PURSUANT TO THE)
TELECOMMUNICATIONS ACT OF)
1996)

CONFIDENTIALITY PETITION PURSUANT TO 807 KAR 5:001,
SECTION 7, AND FOR OTHER RELIEF

Petitioner, BellSouth Telecommunications, Inc.,
("BellSouth" or the "Company"), by counsel, hereby moves the
Public Service Commission of the Commonwealth of Kentucky (the
"Commission"), pursuant to 807 KAR 5:001, Section 7, to treat
the PricewaterhouseCoopers' ("PWC") work papers that underlie
its initial attestation regarding the regionality of
BellSouth's DOE/SONGS order entry systems filed on August 17,
2001, as confidential in accordance with the Commission's
regulations.

In making this filing, BellSouth is responding to a
verbal request of the Commission Staff. The requested
material is not BellSouth's, but that of a third party, PWC.
BellSouth, on behalf of PWC, requests that the previously

described work papers be held as confidential for the reasons stated herein.

The Kentucky Open Records Act exempts certain commercial information from the public disclosure requirements of the Act. KRS 61.878(1)(c). 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 of the party seeking confidentiality if openly discussed. KRS 61.878(1)(c); 807 KAR 5:001, § 7. The Commission has taken the position that the statute and rules require the party to demonstrate actual competition and a likelihood of competitive injury if the information is disclosed.

The PWC work papers for which confidentiality is sought reflect the PWC processes and procedures that are utilized as PWC conducts an audit, these processes have been developed by PWC over time and represent valuable business assets that PWC would not share with competitors. The audit and financial counseling business is highly competitive. PWC competes with other regional, national, and international firms familiar to the Commission such as KPMG/Peat Marwick and Deloitte and Touche.

As further grounds for this Petition, BellSouth states as follows:

(1) The information as to which BellSouth is requesting confidential treatment is not known outside of BellSouth and PWC;

(2) The information is not disseminated within BellSouth or PWC and is known only by those 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 on behalf of PWC through all appropriate means, including the maintenance of appropriate security at its offices;

(4) The disclosure of this information would cause competitive injury to PWC in that it would provide PWC's competitors with business processes which are a valuable business asset to PWC; and

(5) By granting BellSouth's Petition there would be no damage to any public interest in disclosure. In fact, the public would be best served by non-disclosure because competition would thereby be promoted.

For the foregoing reasons, BellSouth asks that its petition for confidential treatment of PWC's work paper filed August 17, 2001, be granted.

Respectfully submitted,

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