

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 Attachment to BellSouth's Late Filed Exhibit ("LFE") No. 9  
from the October 22-25, 2001, hearing.

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 Attachment to BellSouth's LFE No. 9 from the October 22-25, 2001, hearing.

Respectfully submitted,

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