

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INQUIRY INTO THE USE OF CONTRACT SERVICE)	
ARRANGEMENTS BY TELECOMMUNICATIONS)	CASE NO.
CARRIERS IN KENTUCKY)	2002-00456

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 Exhibit SGM-1 to the testimony of Samuel G. Massey and Exhibit MSH-1 to the testimony of Michael S. Hayden. The Exhibits show names of specific customers that have gone to competitors.

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.

This information is customer specific information to which those customers 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 customers.

The material for which BellSouth seeks confidential treatment in the portions of the Exhibits identified above also contains commercially valuable information. All of the information identified herein has potential value to other participants in the local exchange market, such as incumbent local exchange carriers (ILECs), competitive access providers (CAPs), facilities-based competitive local exchange carriers (CLECs), cable companies who have developed or are contemplating the development of wholesale network products, and wireless providers.

Public disclosure of the identified 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 or, in the case of CSA’s, it is not available in the format provided in this proceeding;
- (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.

Respectfully submitted,

Dorothy J. Chambers
601 W. Chestnut Street, Room 407
P. O. Box 32410
Louisville, KY 40232
Tel. No. (502) 582-8219

J. Phillip Carver
Suite 4300, BellSouth Center
675 W. Peachtree St., N.E.
Atlanta, GA 30375
Tel. No. (404) 335-0710

COUNSEL FOR BELLSOUTH
TELECOMMUNICATIONS, INC.

489490