

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REVIEW OF FEDERAL COMMUNICATIONS)	
COMMISSION'S TRIENNIAL REVIEW ORDER)	CASE NO.
REGARDING LOCAL CIRCUIT SWITCHING)	2003-00347
FOR DS1 ENTERPRISE CUSTOMERS)	

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 following described information:

Portions of the attachments to Item Nos. 3(a) and (c) of
BellSouth's Supplemental Responses to the Commission
Staff's Data Request dated October 21, 2003

The information for which BellSouth seeks confidentiality relates to revenues generated by wire centers.

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 of the party seeking confidentiality if openly disclosed. 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 a likelihood of competitive injury if the information is disclosed.

In the present case, BellSouth would suffer competitive harm if the information it seeks to protect were disclosed. Revenues generated by wire center is commercially sensitive information and would be valuable to competitors. BellSouth's competitors for local service include CLEC's, alternate access providers, resellers and interexchange carriers. The Commission has approved interconnection agreements between BellSouth and numerous telecommunications companies. Disclosure of this information would give BellSouth's competitors an unfair business advantage over BellSouth. This information could be used by BellSouth's competitors to the detriment of BellSouth. Because of this, BellSouth's revenues generated by wire center should be protected from disclosure.

BellSouth recognizes that this information may be helpful to the Commission. However, to require that this information be divulged to BellSouth's competitors creates substantial unfair disadvantage to BellSouth. In addition, the Commission should accord confidential treatment to this information for the following reasons:

- (1) The information as to 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;

- (4) The disclosure of this information would cause competitive injury to BellSouth in that it would provide BellSouth's competitors with sensitive financial data with respect to certain of BellSouth's services; 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 these reasons, the Commission should grant BellSouth's request for confidential treatment of the information described above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dorothy J. Chambers', is written over a horizontal line.

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