

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REVIEW OF FEDERAL COMMUNICATIONS	)	
COMMISSION'S TRIENNIAL REVIEW ORDER	)	CASE NO.
REGARDING UNBUNDLING REQUIREMENTS	)	2003-00379
FOR INDIVIDUAL NETWORK ELEMENTS	)	

**CONFIDENTIALITY PETITION**  
**PURSUANT TO 807 KAR 5:001 SECTION 7**

Petitioner, BellSouth Telecommunications, Inc. ("BellSouth"), hereby moves the Public Service Commission of Kentucky (the "Commission"), pursuant to KRS 61.878 and KAR 5:001, Section 7, to classify as confidential the following information filed today: A portion of the Surrebuttal Testimony of Dr. Debra J. Aron ("Aron"), specifically page 111; portions of the Surrebuttal Testimony of Shelley W. Padgett ("Padgett"), specifically pages 11, 13-14; Exhibits JWS-6 and JWS-7 to James W. Stegeman's ("Stegeman") Surrebuttal Testimony; and portions of the Surrebuttal Testimony of Pamela A. Tipton ("Tipton"), specifically pages 19 and 20 and Exhibit PAT-9.

As grounds for this motion, BellSouth states that the information contains confidential information concerning telecommunications carriers that BellSouth is prohibited from publicly disclosing by law or protective agreement. Additionally, some of the information is confidential business information of telecommunications carriers that is considered trade secret.

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, protect the information as 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, Section 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.

Portions of the Surrebuttal Testimony of Aron (pages 111), Padgett (pages 11 and 13-14), Stegeman (Exhibits JWS-6 and JWS-7) and Tipton (pages 19 and 20) contain confidential business information of telecommunications carriers that is considered trade secret. The information is comprised of customer-specific information that BellSouth is obligated to protect and BellSouth confidential business information that is commercially sensitive. The public disclosure of such information would unfairly advantage other competing local exchange carriers. Disclosure would impair the competitive business of and cause harm to BellSouth and the CLECs and would be of interest to other carriers providing local exchange service to the detriment of BellSouth and the CLECs .

Exhibit PAT-9 to Tipton's Surrebuttal Testimony contains customer-specific information. Information concerning specific customers is CPNI<sup>1</sup> and can not be publicly disclosed without approval of the individual customers. Disclosure of customer-specific information is subject to obligations under Section 222 of the Federal law. Federal law imposes the obligation to maintain the confidentiality of such information

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<sup>1</sup> Customer Proprietary Network Information

("the 222(a) obligation"). KRS 61.878(1)(k) prohibits the disclosure of such information.

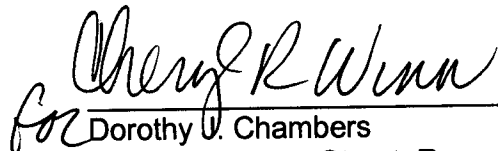
Therefore, this information should be afforded proprietary treatment.

The Commission also should grant confidential treatment to the information so designated 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 information set out herein.

Respectfully submitted,

  
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