

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF)
INFORMATION FILED WITH THE PROPOSED)
TARIFF OF SOUTH CENTRAL BELL TELEPHONE)
COMPANY FOR INTEGRATED SERVICES DIGITAL) CASE NO. 93-426
NETWORK - INDIVIDUAL BUSINESS SERVICE)
(ISDN-IBS) AND INTEGRATED SERVICES)
DIGITAL NETWORK - INDIVIDUAL RESIDENCE)
SERVICE (ISDN-IRS))

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc., d/b/a South Central Bell Telephone Company ("South Central Bell"), filed November 15, 1993, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the revenue, sales, and contribution projections and cost support data developed in connection with South Central Bell's proposed tariff for Integrated Services Digital Network - Individual Business Service ("ISDN-IBS") and Integrated Services Digital Network - Individual Residence Service ("ISDN-IRS") on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury and it appearing to this Commission as follows:

South Central Bell has filed for approval a proposed amendment to its tariff. The amendment adds two new services, ISDN-IBS and ISDN-IRS. These services would allow residences and single line business customers to transmit voice and data over ISDN channels through the exchange network. These new services are alternatives

to other local exchange services, private line data services, and dedicated private line networks.

The information sought to be protected is not known outside of South Central Bell and is not disseminated within South Central Bell except to those employees who have a legitimate business need to know and act upon the information. South Central Bell seeks to preserve and protect the confidentiality of the information through all appropriate means.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 11 categories of information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

South Central Bell's competitors for local exchange services are cellular carriers who may also provide cellular data services and may, or will soon, include providers of personal communication services, cable TV providers, and alternate access providers.

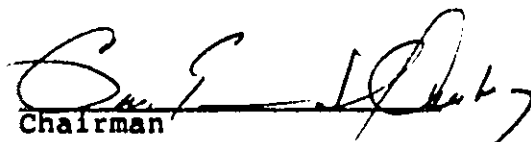
South Central Bell's competitors for private line data services are inter-exchange carriers, resellers, and vendors of microwave digital radio, fiber, and other wireless equipment and services. The information sought to be protected would allow such competitors to determine South Central Bell's cost and contribution from the service which could be used by the competitors to market their competitive services to the detriment of South Central Bell. Therefore, disclosure of the information is likely to cause South Central Bell competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the revenue, sales, contribution projections and cost support data developed in connection with South Central Bell's proposed tariff for ISDN-IBS and ISDN-IRS, which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 17th day of December, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

ATTEST:


Executive Director


Commissioner