

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CINCINNATI BELL TELEPHONE )  
COMPANY'S PETITION FOR )  
CONFIDENTIAL TREATMENT OF ) CASE NO. 97-091  
CERTAIN PORTIONS OF ITS 1997 )  
DEPRECIATION RATE STUDY )

O R D E R

This matter arising upon petition of Cincinnati Bell Telephone Company ("Cincinnati Bell"), filed February 26, 1997, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the projected data regarding Cincinnati Bell's future life expectations for each category of equipment, building and other facilities used to provide telecommunications services in Cincinnati Bell's service territory, on the grounds that disclosure of the information is likely to cause Cincinnati Bell competitive injury, and it appearing to this Commission as follows:

Cincinnati Bell has filed a Depreciation Rate Study which provides projected data regarding Cincinnati Bell's future life expectations for each category of equipment, buildings and other facilities used to provide telecommunications services in Cincinnati Bell's service territory. Cincinnati Bell, by this petition, seeks to protect this information as confidential.

The information sought to be protected is not known outside of Cincinnati Bell and is not disseminated within Cincinnati Bell except to those employees who have a legitimate business need to know and to act upon the information.

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 subsection of the statute exempts several categories of information. One category exempted in paragraph (c)1 of that subsection is commercial information confidentially disclosed to the Commission which if made public would permit an unfair commercial advantage to competitors of the party from whom the information was obtained. To qualify for the exemption, 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.

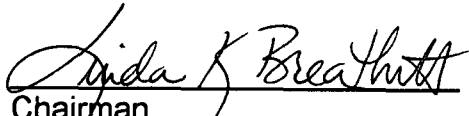
Disclosure of the information sought to be protected would benefit other telecommunications companies with whom Cincinnati Bell competes, or is expected to compete with, in its service territory. The information would enable such competitors, when offering services, to target market areas in the future where resources limit Cincinnati Bell's deployment options. Therefore, disclosure of the information is likely to cause Cincinnati Bell competitive injury, and the information should be protected as confidential.

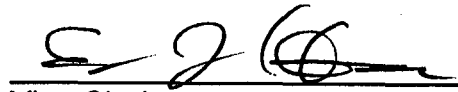
This Commission being otherwise sufficiently advised,

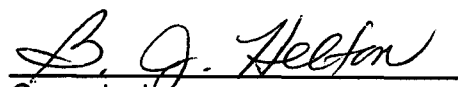
IT IS ORDERED that the projected data regarding Cincinnati Bell's future life projections for each category of equipment, buildings and other facilities used to provide telecommunications services by Cincinnati Bell, which Cincinnati Bell has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 19th day of March, 1997.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director