STATE of INDIANA

INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, SUITE E-306
INDIANAPOLIS, INDIANA 46204-2764

http://www.state.in.us/iurc/
Office: (317) 232-2701
Facsimile: (317) 232-6758

FILED

SEP 1 6 2003

INDIANA UTILITY
REGULATORY COMMISSION

IN THE MATTER OF PETITION OF INDIANA BELL TELEPHONE COMPANY, INCORPORATED ("SBC INDIANA") FOR THE COMMISSION TO EXERCISE ITS STATUTORY AUTHORITY UNDER I.C. 8-1-2.6 *ET SEQ.* TO DECLINE TO EXERCISE ITS JURISDICTION, IN WHOLE OR IN PART, AND USE ALTERNATIVE REGULATORY PROCEDURES AND STANDARDS AND APPROVE SBC INDIANA'S ALTERNATIVE REGULATION PLAN FOR THE PRICING AND OTHER REGULATION OF SBC INDIANA'S RETAIL AND CARRIER ACCESS SERVICES.

CAUSE NO. 42405

IN THE MATTER OF THE PETITION OF INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR ("OUCC") FOR THE COMMISSION TO EXERCISE ITS STATUTORY AUTHORITY UNDER I.C. 8-1-2.6 *ET SEQ.* TO DECLINE TO EXERCISE ITS JURISDICTION, IN WHOLE OR IN PART, AND USE ALTERNATIVE REGULATORY PROCEDURES AND STANDARDS AND APPROVE OUCC'S ALTERNATIVE REGULATION PLAN FOR THE PRICING AND OTHER REGULATION OF SBC INDIANA'S RETAIL AND CARRIER ACCESS SERVICES.

IN THE MATTER OF JOINT PETITION OF THE CITIZENS ACTION COALITION OF INDIANA, INC., AND UNITED SENIOR ACTION OF INDIANA, INC., TO APPROVE AN ALTERNATE ALTERNATIVE REGULATION PLAN FOR THE PRICING AND OTHER REGULATION OF SBC

INDIANA'S RETAIL AND CARRIER)
ACCESS SERVICES.)

You are hereby notified that on this date, the Indiana Utility Regulatory Commission has caused the following entry to be made:

On August 29, 2003 Indiana Bell Telephone Company, Incorporated ("SBC Indiana") filed its Motion of SBC Indiana for Protection of Confidential and Proprietary Information ("Motion") with attached Exhibit A, Verified Statement of Jolynn Barry Butler ("Verified Statement"). SBC Indiana's Motion seeks a finding that certain information contained in Confidential Exhibit SMM-9, Confidential Exhibit ES-2 and related confidential information in confidential page 10 is confidential, proprietary, competitively sensitive and/or a trade secret and therefore exempt from public disclosure pursuant to 170 IAC § 1-1.1-4 and Ind. Code § 8-1-2-29. The Motion and Verified Statement are incorporated herein by reference.

The Motion seeks protection of confidential Directory Assistance Service volumes and year over year statistics that may be presented to the Commission in this proceeding ("Confidential Information"). The Motion and Verified Statement state that the information (i) is such that it may derive actual and potential independent economic value from being neither generally known to, nor readily ascertainable by, persons who could obtain economic value from its disclosure or use; and (ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. The Motion and Verified Statement states if disclosed to SBC Indiana's competitors or otherwise made publicly available, the Confidential Information would have a substantially detrimental effect on SBC Indiana.

The Commission has previously protected demand information used in cost studies from public disclosure. *See generally, Investigation into Matters Relating to Access Charge Reform and Universal Service Reform*, Cause No. 40785, p. 18 (IURC 4/23/98) ("this Commission has declared certain information relating to company specific inputs to the BCPM model, and resulting outputs, to be confidential."); *Investigation and Generic Proceedings on Ameritech Indiana's Wholesale Rates*, Cause No. 41055, April 27, 1998 Docket Entry (cost study information filed under seal by Ameritech Indiana is "confidential, proprietary, competitively sensitive and trade secret within the meaning of I.C. 5-14-3-4(a) as defined by I.C. 24-2-3-2 and therefore excepted from disclosure under I.C. 8-1-2-29."). Thus a finding that the service volumes which are the subject of SBC Indiana's Motion are confidential, proprietary, competitive sensitive and trade secret, is consistent with Commission precedent.

Based on the description of the Confidential Information in SBC Indiana's Motion and Verified Statement, the presiding officers preliminarily find the Confidential Information to be confidential, proprietary, competitively sensitive, and/or a trade secret within the meaning of 170 IAC § 1-1.1-4 and Ind. Code § 5-14-3-4(a) as defined by Ind. Code § 24-2-3-2 for purposes of this Cause. Consequently, we further find the Confidential Information shall be preliminarily exempt from public disclosure under Ind. Code § 8-1-2-29. Accordingly, SBC Indiana should *hand deliver* to the Presiding Administrative Law Judge the Confidential Information, under seal and marked as confidential, and such information shall be treated as confidential on a preliminary basis, in accordance with I.C. § 5-14-3-4.

IT IS SO ORDERED, consistent with the foregoing findings.

Judith G. Ripley, Commissioner

Abby R. Gray, Administrative Law Judge

September 16, 2003
Date

Nancy E. Manley,
Secretary to the Commission