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Edward T. Depp
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October 28, 2011

VIA HAND-DELIVERY

Hon. Jeff R. Derouen
Executive Director
Public Service Commission
211 Sower Blvd.
P. O. Box 615
Frankfort, KY 40602-0615

Re: *In the Matter of: An investigation into the traffic dispute between Windstream Kentucky East, LLC, Brandenburg Telephone Company and MCIMetro Access Transmission Services, LLC d/b/a Verizon Access, Commonwealth of Kentucky, Case No. 2008-00203*

Dear Mr. Derouen:

Enclosed for filing in the above-referenced case, please find one original and eleven (11) copies each of Brandenburg Telephone Company's Petition for Confidentiality.

Please note that the entirety of the documents in the attached envelope are confidential in nature. Please further note that we have not included redacted copies of the confidential documents in this filing because the entirety of the documents in question are confidential. We are happy to file redacted copies, if the Commission would like us to.

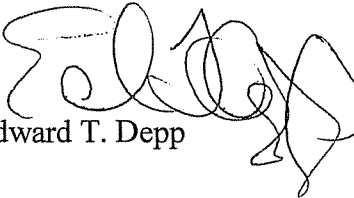
Please file-stamp one copy and return them in the also enclosed self addressed envelope.

Hon. Jeff R. Derouen
October 28, 2011
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Thank you, and if you have any questions, please call me.

Sincerely,

DINSMORE & SHOHL LLP


Edward T. Depp

ETD/kwi
Enclosures
cc: All parties of record

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of:

AN INVESTIGATION INTO THE TRAFFIC)
DISPUTE BETWEEN WINDSTREAM)
KENTUCKY EAST, LLC, BRANDENBURG) CASE NO. 2008-00203
TELEPHONE COMPANY AND MCIMETRO)
ACCESS TRANSMISSION SERVICES, LLC)
d/b/a VERIZON ACCESS)

JOINT MOTION FOR CONFIDENTIAL TREATMENT

MCImetro Access Transmission Services LLC, (“MCImetro”) and Brandenburg Telephone Company petition the Public Service Commission of Kentucky (“Commission”) pursuant to 807 KAR 5:001, Section 7, to grant confidential protection to certain information being filed in response to:

A. Data Request No. 5(a) and (c) of Windstream Kentucky East (“Windstream”) to MCImetro; and

B. Data Request No. 6(c) of Windstream to Brandenburg Telephone Company in this case. In support of this Petition, MCImetro and Brandenburg Telephone Company state as follows:

I. INTRODUCTION

1. By Order of September 15, 2011, the Commission established a procedural schedule providing for additional discovery among parties.

2. Windstream served data requests on MCImetro and Brandenburg Telephone Company, including Request No. 5 to MCImetro and 6(c) to Brandenburg Telephone Company, which each state, in pertinent part:

To the extent not provided in response to subparts a or b of this data request, please also produce all other documents in your possession, including e-mails and other electronic files, relating to implementation of the "2009 Order" to which you refer . . . [in] your Updated Direct Testimony. This request includes but is not limited to negotiation of a traffic exchange agreement (or attempts at such negotiation) and implementation of the Brandenburg-Verizon Agreement.

II. GROUNDS FOR CONFIDENTIAL PROTECTION

3. The Kentucky Open Records Act exempts from disclosure certain commercial or proprietary information. KRS 61.878(1)(c). To qualify for the exemption and, therefore, maintain the confidentiality of the information, a party must establish that the material is of a kind generally recognized to be confidential or proprietary, and the disclosure of which would permit an unfair commercial advantage to competitors of the party seeking confidentiality.

4. The information being disclosed to Windstream consists almost entirely of correspondence between MCImetro and Brandenburg Telephone concerning a proposed contract governing ISP-bound traffic at dispute in this case, or internal communications related to the same topic. The correspondence provides insight into the negotiations that led to an agreement, including preliminary drafts with redlining that reflects the "give and take" of commercial negotiation, and could provide a commercial advantage to any entity that might seek to negotiate comparable arrangements with MCImetro or Brandenburg Telephone in the future. Some of the information disclosed concerns prior commercial dealings between MCImetro and a Kentucky local exchange carrier that is not a party to this proceeding. Finally, the documents and information also include other information generally not disclosed outside the telecommunications industry, and within the industry

it is disclosed only to employees with a legitimate business need to know and act upon the information. For example, email communications included in the response include abundant commercially significant information concerning network facilities, circuit capacities, CLLI codes and end points, information concerning points of contact within network planning organizations at carriers, and other infrastructure related information that is only disclosed within the industry. The information also includes infrastructure records including street address information identifying network facilities that movants assert are “public utility critical systems” subject to confidential treatment under KRS 61.878(1)(m)f.

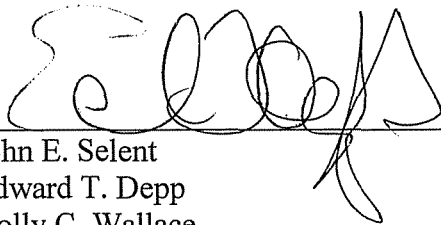
5. The information provided in response to Windstream demonstrates on its face that it merits confidential protection. If the Commission disagrees, however, it must hold an evidentiary hearing to protect the due process rights of MCImetro (and Brandenburg Telephone Company) and supply the Commission with a complete record to enable it to reach a decision with regard to this matter. *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, Ky. App., 642 S.W.2d 591, 592-94 (1982).

6. MCImetro and Brandenburg Telephone Company do not object to disclosure of the confidential information, pursuant to a protective agreement, to parties with a legitimate interest in reviewing the confidential information for the purpose of assisting the Commission's review in this proceeding. The documents and information subject to this motion are being provided to Windstream subject to a non-disclosure agreement, and counsel for Windstream has authorized the movants to state that Windstream is not opposed to the filing of this motion..

7. In accordance with the provisions of 807 KAR 5:001 Section 7, one copy of each confidential response to Windstream is filed contemporaneously by each movant.

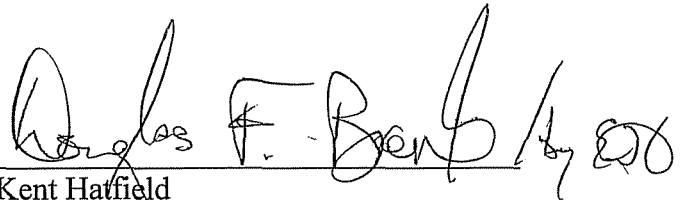
WHEREFORE, MCImetro and Brandenburg Telephone Company respectfully request that the Commission grant confidential protection, or in the alternative, schedule an evidentiary hearing on all factual issues.

Respectfully submitted,



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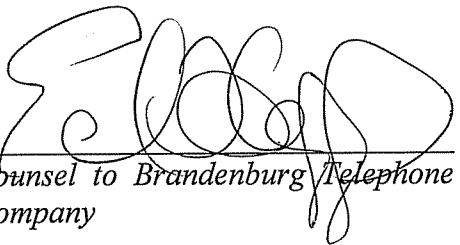
Counsel to MCImetro

*Counsel to Brandenburg Telephone
Company*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Petition of Confidential Treatment has been served by first class mail or Federal Express on those persons whose names appear below this 28th day of October, 2011.

Mark Overstreet
Benjamin Crittenden
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P.O. Box 634
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Counsel to Brandenburg Telephone
Company