

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF PEOPLES RURAL)
TELEPHONE COOPERATIVE CORPORATION,) CASE NO. 2014-00305
INC. FOR A GENERAL ADJUSTMENT IN RATES)

ORDER

On October 2, 2014, Peoples Rural Telephone Cooperative Corporation, Inc. ("Peoples Telephone") moved, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, that certain materials in Exhibits 1 and 5 attached to the Application filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection. Subsequently, on October 17, 2014, Peoples Telephone filed an amended petition, withdrawing its request for confidential treatment of the material contained in Exhibit 5.

In support of its amended petition for confidential treatment, Peoples Telephone states that the information it is requesting to be held confidential is more particularly described as portions of Exhibit 1, pages 5 and 6, related to the revenue changes due to adjustment of terminating access rates pursuant to Federal Communications Commission requirements; the entirety of Exhibit 1, Attachment B, that details subscriber line data and service usage information; and portions of Exhibit 1, Attachment C, related to historical and projected subscriber service usage and revenue. Peoples Telephone further states that the disclosure of the information for which confidential treatment is requested could result in a competitive disadvantage to Peoples Telephone. Peoples Telephone requests that the information for which

confidential treatment is requested remain confidential for a period of five years.

Peoples Telephone further states that information for which it requested confidential treatment was contained in Exhibit 5 to its application filed on October 2, 2014. In a filing contemporaneous with the amended petition on October 17, 2014, Peoples Telephone replaced Exhibit 5 to the application with a replacement exhibit that contains no confidential information. Therefore, Peoples Telephone requests to withdraw its petition for confidential treatment of the original version of Exhibit 5 that was filed on October 2, 2014. Peoples Telephone further requests that the original version of Exhibit 5 filed on October 2, 2014, be destroyed and, in its place, that the Commission substitute the replacement Exhibit 5 filed on Oct. 17, 2014.

Having carefully considered the petition and the materials at issue, the Commission finds that:

1. The materials in Exhibit 1, pages 5 and 6; Exhibit 1, Attachment B; and Exhibit 1, Attachment C, for which Peoples Telephone seeks confidential treatment are records that are generally recognized as confidential or proprietary, and which, if openly disclosed, would permit an unfair commercial advantage to competitors, and therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

2. The materials in Exhibit 1, pages 5 and 6; Exhibit 1, Attachment B; and Exhibit 1, Attachment C, for which Peoples Telephone seeks confidential treatment should not be placed in the public record or made available for public inspection for a period of five years from the date of this Order.

3. Peoples Telephone's request to withdraw its petition for confidential treatment for the materials in Exhibit 5 should be granted.

4. The Commission should return the confidential materials contained in the original version of Exhibit 5 to Peoples Telephone.

5. The original version of Exhibit 5 filed on October 2, 2014, should be replaced with the replacement Exhibit 5 filed on October 17, 2014.

IT IS THEREFORE ORDERED that:

1. Peoples Telephone's amended motion for confidential protection is granted under the exemption of KRS 61.878(1)(c)(1).

2. Peoples Telephone's motion for confidential protection for materials contained in Exhibit 1, pages 5 and 6; Exhibit 1, Attachment B; and Exhibit 1, Attachment C is granted.

3. Peoples Telephone's motion to withdraw its request for confidential treatment of the original version of Exhibit 5 is granted.

4. Peoples Telephone's Exhibit 5 to the application, filed on October 2, 2014, is substituted with the replacement Exhibit 5, filed on October 17, 2014.

5. Peoples Telephone's Exhibit 5 that was filed on October 2, 2014, shall be returned to Movant.

6. The materials for which Peoples Telephone seeks confidential treatment in Exhibit 1, pages 5 and 6; Exhibit 1, Attachment B; and Exhibit 1, Attachment C, shall not be placed in the public record or made available for public inspection for a period of five years from the date of this Order, or until further Orders of this Commission. At the end of this period, the material shall be placed in the public record. Peoples Telephone

may request that the materials continue to be treated as confidential, but must demonstrate that the materials still fall within the exclusions established in KRS 61.878.

7. If Peoples Telephone objects to the time limits that the Commission has placed on the confidential treatment for the materials in question, it must seek either rehearing pursuant to KRS 278.400 or judicial review of this Order pursuant to KRS 278.410. Failure to exercise either of these statutory rights will be deemed as agreement with the Commission's determination of the period for which the material is afforded confidential treatment and will require Peoples Telephone to demonstrate a change in circumstances in any subsequent motion for continued confidential treatment of the materials in question after the end of the period set forth in ordering paragraph 6.

8. Use of the materials in question in any proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

9. Peoples Telephone shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

10. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, Peoples Telephone shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Peoples Telephone is unable to make such demonstration, the requested materials shall be made available for inspection.

By the Commission

ENTERED
JAN 12 2015
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2014-00305

Keith Gabbard
Manager
Peoples Rural Telephone Cooperative
P. O. Box 159
McKee, KY 40447

John E Selent
Dinsmore & Shohl, LLP
101 South Fifth Street
Suite 2500
Louisville, KENTUCKY 40202