

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED  
DEC 04 2007  
PUBLIC SERVICE  
COMMISSION

In the Matter of:

Brandenburg Telephone Company; )  
Duo County Telephone Cooperative )  
Corporation, Inc.; Highland Telephone )  
Cooperative, Inc.; Mountain Rural Telephone )  
Cooperative Corporation, Inc.; North Central )  
Telephone Cooperative Corporation; South )  
Central Rural Telephone Cooperative )  
Corporation, Inc.; and West Kentucky Rural )  
Telephone Cooperative Corporation, Inc. )

Case No. 2007-00004

COMPLAINANTS )

v. )

Windstream Kentucky East, Inc.; and )  
Windstream Kentucky West, Inc. )

DEFENDANTS )

**Motion for Confidential Treatment**

Windstream Kentucky East, Inc. moves the Commission to accord confidential treatment to Appendices A & B to its filing in Response to the Commission's October 13, 2007 Order and support thereof states:

1. Appendix A contains Windstream's cost study in support of its tariff rates. This information is treated as confidential and proprietary by Windstream and traditionally has been accorded confidential treatment by the Commission.

2. Appendix B contains the outstanding balances due Windstream from each of the non-governmental parties to this proceeding. This information is treated as confidential and proprietary by Windstream and Windstream believes the Commission

traditionally has accorded confidential treatment to such information for purposes of protecting the commercial and privacy interests of telecommunications companies' customers.

3. With the enactment of the Telecommunications Act of 1996 and the rise of Competitive Local Exchange Carriers, including all non-governmental parties to this proceeding, Windstream's business has become competitive. In addition, other non-regulated businesses, such as cable companies, now compete with Windstream.

### **Basis for Confidential Treatment**

4. KRS 61.878(1)(c)(1) excludes from the Open Records Act:

"Records confidentially disclosed to an agency, generally recognized as confidential or proprietary, which if openly disclosed would present an unfair commercial advantage to competitors of the entity that disclosed the records, and which are compiled and maintained . . . in conjunction with the regulation of commercial enterprise . . ."

5. The Kentucky Supreme Court has interpreted this provision to hold that "if it is established that a document sought to be withheld is confidential or proprietary, and if disclosure to competitors would provide substantially more than a trivial unfair advantage, the document should be protected from disclosure." *Southeastern United Medigroup, Inc. v. Hughes*, 952 S.W.2d 195, 199 (Ky. 1997). Similarly, in *Hoy v. Kentucky Industrial Revitalization Authority*, 907 S.W.2d 766, 768 (Ky. 1995) the Court explained "[i]t does not take a degree in finance to recognize that such information concerning the inner workings of a corporation 'is generally recognized as confidential or proprietary' and falls within the wording of KRS 61.878(1)(c)(2).

6. A company's costs, and the pricing decisions it makes based on those costs, are just the sort of "inner workings" contemplated by the Court's decision in *Hoy*.

Disclosure of the information will result in non-trivial commercial unfair advantage to Windstream vis-à-vis its competitors.

7. Company-specific invoice amounts shown on Appendix B are not being served on the parties to this proceeding. Each telecommunications company whose invoice amounts are disclosed previously received the information. Windstream will make company-specific information available to other parties as directed by the affected telecommunications company.

Wherefore, Windstream Kentucky East respectfully requests that Appendices A and B be accorded confidential treatment.

**Windstream Kentucky East, Inc.**

By: \_\_\_\_\_  
Mark R. Overstreet  
STITES & HARBISON PLLC  
421 West Main Street  
P.O. Box 634  
Frankfort, Kentucky 40602-0634  
(502) 223-3477

CERTIFICATE OF SERVICE

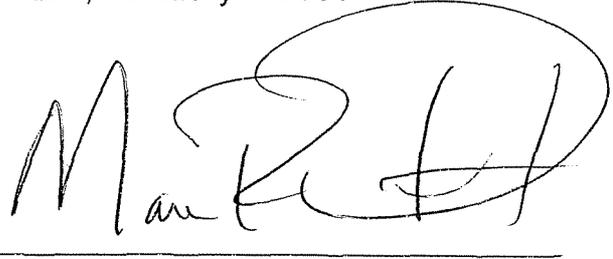
I hereby certify that a copy of the foregoing was served by United States First Class Mail, postage prepaid, and e-mail transmission on this 3<sup>rd</sup> day of December, 2007 upon:

John E. Selent  
Holly C. Wallace  
Edward T. Depp  
Dinsmore & Shohl, LLP  
1400 PNC Plaza  
500 West Jefferson Street  
Louisville, Kentucky 40202

Dennis G. Howard, II  
Kentucky Attorney General's Office  
Suite 200  
1024 Capital Center Drive  
Frankfort, Kentucky 40601

Douglas F. Brent  
Stoll, Keenon & Ogden PLLC  
2000 PNC Plaza  
500 West Jefferson Street  
Louisville, Kentucky 40202

John N. Hughes  
124 West Todd Street  
Frankfort, Kentucky 40601



A handwritten signature in black ink, appearing to read "Mark R. Hughes", is written over a horizontal line. The signature is stylized and cursive.

# Appendix A

*Entire Document  
Is  
Redacted*

## Appendix B

