

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

NEXUS COMMUNICATIONS, INC. REQUEST FOR )  
REHEARING OF DENIAL OF CONFIDENTIAL ) CASE NO.  
TREATMENT OF FCC FORM 555 ) 2014-00367

ORDER

On August 10, 2015, Nexus Communications, Inc. (“Nexus”) filed with the Commission a document titled “Status Report and Notice of Withdrawal of Request for Rehearing” (“Notice”). In the filing, Nexus informed the Commission it was withdrawing its October 3, 2014 motion requesting a rehearing of the Commission’s September 11, 2014 letter denying confidential treatment for Nexus’ 2013 FCC Form 555 filed on February 10, 2014. The Commission will treat the Notice as a motion.

As a basis for its October 3, 2014 motion for rehearing, Nexus stated that the grounds upon which denial was based — that the requested information was publicly available at the Federal Communications Commission (“FCC”) and the Universal Service Administrative Company (“USAC”) — centered on an erroneous understanding of underlying facts. Nexus further stated that the information was not publically available through the FCC or USAC because the information was filed at the FCC together with a motion for confidential treatment. Although the FCC subsequently denied the motion, Nexus asserted that it had petitioned the FCC for reconsideration of its denial of confidential treatment for the 2013 FCC Form 555 and that, until the petition was ruled upon, the FCC and USAC would treat the information as confidential. Nexus requested that the Commission reverse its denial of confidential treatment and grant

confidential treatment for the designated material in perpetuity. On October 22, 2014, the Commission granted rehearing, pending the outcome of Nexus' petition for reconsideration at the FCC.

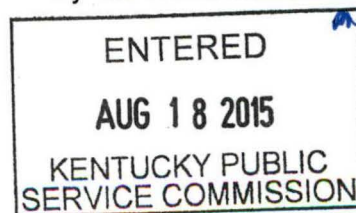
On June 22, 2015, the FCC denied Nexus' petition, resulting in the information on the 2013 FCC Form 555 no longer being entitled to confidential status at the FCC or USAC. Nexus, based on the public availability of the information, now has notified the Commission that it has withdrawn its motion for rehearing.

Based on the foregoing, the Commission finds that Nexus' motion to withdraw its request for rehearing should be granted. The Commission further finds that Nexus' 2013 FCC Form 555 does not meet the criteria for confidential treatment and that this case should be dismissed with prejudice.

IT IS THEREFORE ORDERED that:

1. Nexus' motion to withdraw its request for rehearing is granted.
2. Nexus' request for confidential treatment for its 2013 FCC Form 555 is denied.
3. This case is dismissed with prejudice and removed from the Commission's docket.

By the Commission



ATTEST:

  
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Executive Director

Case No. 2014-00367

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