

August 27, 2014

RECEIVED

AUG 27 2014

PUBLIC SERVICE  
COMMISSION

Mark R. Overstreet  
(502) 209-1219  
(502) 223-4387 FAX  
moverstreet@stites.com

**HAND DELIVERED**

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

**RE: *Certification Pursuant to 54.314***

Dear Mr. Derouen:

In accordance with the Commission's September 27, 2002, Order in Administrative Case No. 381 and the direction provided in its email of August 7, 2013, AT&T Mobility<sup>1</sup> (SAC 269905) respectfully submits for filing its Eligible Telecommunications Carrier Certification and Report.

Attachments A-1 and A-2 to the Certification contain confidential material. Accordingly, AT&T Mobility also submits for filing its Petition seeking confidential treatment of that material (which is supported by the Affidavit of Chris Percy). One proprietary copy and 10 redacted copies of Attachment A-1 and A-2 are being filed with the Commission.

Please address any questions or concerns regarding this filing to:

Tony Taylor  
Executive Director – External Affairs  
601 W. Chestnut St., Room 4 East  
Louisville, Kentucky 40203  
tt7148@att.com

We respectfully request that the Commission certify to the FCC pursuant to the state certification process set out in 47 C.F.R § 54.314 that such funds are used appropriately.

---

<sup>1</sup> New Cingular Wireless PCS, LLC d/b/a AT&T Mobility

Jeff R. Derouen  
August 27, 2014  
Page 2

Very truly yours,  
  
Mark R. Overstreet

MRO

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**RECEIVED**

AUG 27 2014

PUBLIC SERVICE  
COMMISSION

In the Matter of:

A CERTIFICATION OF THE CARRIERS )  
RECEIVING FEDERAL UNIVERSAL SERVICE ) Administrative Case No. 381  
HIGH-COST SUPPORT )

**PETITION OF AT&T MOBILITY**  
**(SAC 269905) FOR CONFIDENTIAL TREATMENT**

AT&T Mobility<sup>1</sup> respectfully submits this Petition for Confidential Treatment of Attachments A-1 and A-2 to the Certification and Report (“Certification”) it filed in this docket on or about August 27, 2014.<sup>2</sup> This Petition is filed pursuant to KRS 61.878(1)(c)((1) and 807 KAR 5:001 Section 13, and is supported by the attached Affidavit of Chris Percy (“Percy Affidavit”).

While public records generally are open for inspection, *see* KRS §61.872(1), several exceptions exist. *See Id.* One such exception is that information “generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records,” is subject to inspection “only upon order of a court of competition jurisdiction . . . .” *See* KRS §61.878(1). As explained below, Attachments A-1 and A-2 to AT&T Mobility’s Certification are comprised entirely of

---

<sup>1</sup> New Cingular Wireless PCS, LLC d/b/a AT&T Mobility.

<sup>2</sup> As it has done in past years, AT&T Mobility is providing the original of its Summary of Potential Capital Projects for 2014 (“**Confidential Attachment A-1**”) and its Summary of ETC Expenditures for 2012 (“**Confidential Attachment A-2**”) as attachments to this original Petition for Confidential Treatment on paper that is labeled “Proprietary Information” and Confidential on each page. As all of the information in each of these Attachments is confidential and proprietary, the public versions of these attachments provide “The entire document is proprietary. There is no edited version.”

confidential and proprietary information, including the Company's network infrastructure, proposed service improvements, build out plans, and operating costs, that is exempt from inspection. AT&T Mobility, therefore, requests that the Commission afford Confidential Treatment to Attachments A-1 and A-2<sup>3</sup> for ten years. After the expiration of the requested confidential period the confidential information would be sufficiently dated so that its public disclosure would no longer afford a competitive advantage to competing wireless providers.

Wireless providers such as AT&T Mobility operate in a highly competitive market. The Company's competitors include Sprint, T-Mobile, and Verizon. The information in Attachments A-1 and A-2 would provide competitors and potential competitors with important proprietary information about AT&T Mobility and its operations, which competitors would be unable to obtain otherwise. Percy Affidavit, ¶ 4.<sup>4</sup> Armed with this information, a competitor could develop entry, marketing, or other strategies, which would give it an unfair advantage in competing with AT&T Mobility. Further, in a competitive market, any information gained about a competitor can be used to that competitor's detriment. *Id.* at ¶ 5. Such an unfair competitive advantage would skew the marketplace and prevent the development of true competition to the ultimate detriment of the consumer. Granting this Petition, therefore, will serve the public interest because competition will be enhanced.

Accordingly, for the reasons explained above, the Company respectfully requests that the Commission issue an Order granting Confidential Treatment to Attachments A-1 and A-2 to AT&T Mobility's Certification.

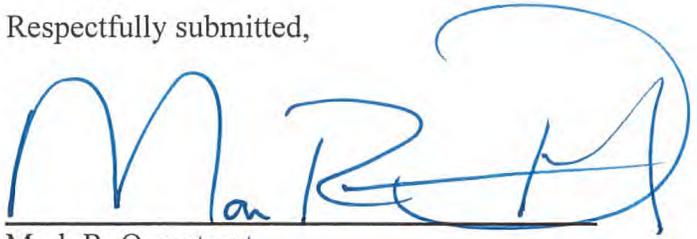
---

<sup>3</sup> The Commission has recognized that information of this type previously submitted by American Cellular (*see* January 24, 2000, Order in Case No. 99-184) and by AT&T Mobility (*see* letter dated January 26, 2011, in this docket) is entitled to Confidential Treatment.

<sup>4</sup> *See also, Id.*, ¶6 (this information is not generally known outside AT&T Mobility, nor is it provided to the public).

This 27<sup>th</sup> day of August, 2014.

Respectfully submitted,

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

Mark R. Overstreet  
STITES & HARBISON PLLC  
421 West Main Street  
P. O. Box 634  
Frankfort, Kentucky 40602-0634  
Telephone: (502) 223-3477  
[moverstreet@stites.com](mailto:moverstreet@stites.com)

**REDACTED  
IN ITS ENTIRETY**

**Exhibit A-1  
2015 Kentucky Service Improvement Plan (2015 Projection)**

**and**

**Attachment A-2  
2015 Kentucky Service Improvement Plan (2013 Actuals)**

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED  
AUG 27 2014  
PUBLIC SERVICE  
COMMISSION

In the Matter of:

A CERTIFICATION OF THE CARRIERS )  
RECEIVING FEDERAL UNIVERSAL SERVICE ) Administrative Case No. 381  
HIGH-COST SUPPORT )

**AFFIDAVIT OF CHRIS PERCY IN SUPPORT OF  
PETITION OF AT&T MOBILITY (SAC 269905)  
FOR CONFIDENTIAL TREATMENT**

Chris Percy being first duly sworn on oath, states as follows:

1. I currently serve as a Vice President / General Manager for AT&T Mobility Corporation, the manager for New Cingular Wireless PCS, LLC d/b/a AT&T Mobility (“AT&T Mobility” or “Company”). In this capacity, I have personal knowledge of the matters set forth in this affidavit and am authorized to make this affidavit on behalf of AT&T Mobility.

2. AT&T Mobility is requesting confidential treatment of spreadsheets describing the location of the Company’s cell sites, proposed service improvement projects and the estimated locations and costs associated with such improvements (**Confidential Attachments A-1 and A-2**).

3. All information in **Confidential Attachments A-1 and A-2** is confidential, proprietary, and/or trade secret information that would aid competitors of AT&T Mobility.

4. All information in **Confidential Attachments A-1 and A-2** addresses the Company’s network infrastructure, build out plans and operating costs. This information,



**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**RECEIVED**

**AUG 27 2014**

**PUBLIC SERVICE  
COMMISSION**

In the Matter of:

A CERTIFICATION OF THE CARRIERS )  
RECEIVING FEDERAL UNIVERSAL SERVICE )  
HIGH-COST SUPPORT )

Administrative Case No. 381

**ELIGIBLE TELECOMMUNICATIONS CARRIER CERTIFICATION AND  
REPORT OF NEW CINGULAR WIRELESS PCS LLC D/B/A AT&T MOBILITY  
(SAC 269905)**

**CERTIFICATION OF  
NEW CINGULAR WIRELESS PCS, LLC d/b/a AT&T MOBILITY (SAC 269905)**

STATE OF Tennessee )  
COUNTY OF Williamson )

The undersigned, being duly sworn, states as follows:

1. I currently serve as a Vice President / General Manager for AT&T Mobility Corporation, the manager for New Cingular Wireless PCS, LLC d/b/a AT&T Mobility (“AT&T Mobility” or “Company”). I am personally familiar with the federal high-cost universal service support received by AT&T Mobility and the use of these funds in Kentucky for study area code (“SAC”) 269905.

2. To enable the Company to receive federal high-cost universal service support in calendar year 2015, the Public Service Commission of Kentucky (“Commission”) is required to certify the Company’s use of support for SAC 269905 to the Federal Communications Commission (“FCC”) and the Universal Service Administrative Company (“USAC”) on or before October 1, 2014.

3. As set forth in the Commission’s Order issued on August 15, 2005, in Case No. 2005-00130 designating AT&T Mobility’s predecessor American Cellular Corporation (“ACC”) as an eligible telecommunications carrier (“ETC”) throughout portions of the state for SAC 269905, and as AT&T Mobility committed to in its ETC designation request, the Company is further required to file annually the following additional information with the Commission: (a) plans for the use of federal high-cost support to be received; (b) records and documentation detailing the Company’s progress toward meeting its build-out plans; (c) the number of complaints per 1,000 customers; and (d) information detailing the number of unfulfilled requests for the past year.

4. Based on USAC's most recent projections, the Company currently estimates that it will receive approximately \$1.2 million in federal high-cost universal service support in 2015. The FCC released its *USF/ICC Transformation Order*<sup>1</sup> that made significant changes to its high-cost program, and among other changes adopted a final rule to phase out high-cost support payments to competitive ETCs, like AT&T Mobility, by July 2016.

5. Pursuant to the FCC's Orders, the Company hereby certifies that it used in the preceding year (2013) and will use in the upcoming year (2015) all of its federal high-cost universal service support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended in accordance with 47 U.S.C. §254(e).

**A. Service Improvement Progress Report**

6. Since its designation as an ETC, the Company has continued to identify facility projects intended to expand and maintain network coverage within its designated service area. Attached as **Confidential Attachment A-1** is a summary of the types of facilities, locations, estimated budget and deployment dates for each of these service improvements for calendar year 2015.

7. **Confidential Attachment A-2** explains how the Company spent the USF support that it received in 2013.

8. Pursuant to 47 U.S.C. § 254(e), the Company will continue to utilize the federal high-cost universal service support it receives to maintain, upgrade and operate these network facilities consistent with the universal service objective of providing quality telecommunications services.

---

<sup>1</sup> *Connect America Fund, et al., WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) ("USF/ICC Transformation Order")*.

**B. Requests for Service**

9. AT&T Mobility committed to annually report the number of requests for service from potential customers within its designated ETC service area that were unfulfilled. The Company has adopted the calendar year as the time period for purposes of this report. Accordingly, for the time period January 1, 2013 through December 31, 2013, the Company experienced 1 (one) request for service that the Company was unable to satisfy.

**C. Complaints Per 1,000 Customers**

10. The Company is also required to annually report the number of complaints per 1,000 customers. The Company has adopted the calendar year as the time period for purposes of this report. For the time period January 1, 2013 through December 31, 2013, the Company received 0.2779 complaints per 1,000 customers statewide from the Public Service Commission, Better Business Bureau, and the FCC.

The matters addressed above are within my personal knowledge and are true and correct.

**AT&T Mobility**



Chris Percy  
Vice President/General Manager

Subscribed and sworn to before me  
this 21<sup>st</sup> day of August, 2014.

  
Notary Public

My Commission expires: May 4, 2015



**REDACTED  
IN ITS ENTIRETY**

**Exhibit A-1  
2015 Kentucky Service Improvement Plan (2015 Projection)**

**and**

**Attachment A-2  
2015 Kentucky Service Improvement Plan (2013 Actuals)**