

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CERTIFICATION OF THE CARRIERS)	ADMINISTRATIVE
RECEIVING FEDERAL UNIVERSAL SERVICE)	CASE NO. 381
HIGH-COST SUPPORT)	

ORDER

On October 13, 2023, New Cingular Wireless PCS, LLC d/b/a AT&T Mobility (AT&T Mobility) filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for ten years for Attachments A-1 and A-2 to AT&T Mobility’s 2023 Eligible Telecommunications Carrier certification. The designated material is more specifically described as information regarding AT&T Mobility’s network infrastructure, proposed service improvements, projected build out plans and costs, and spending of universal service funds (USF) to improve and upgrade AT&T Mobility’s system.

In support of its petition, AT&T Mobility asserted that it operates in a highly competitive market and that, if publicly disclosed, the designated material would provide competitors and potential competitors with proprietary information about AT&T Mobility’s operations and internal business strategies that competitors could use to develop marketing and other business strategies in competition with AT&T Mobility. AT&T argued that the designated material should be granted confidential treatment under KRS 61.868(1)(c)(1), which prohibits public disclosure of information that is confidential

or proprietary and would result in a commercial advantage to the discloser's competitors if publicly disclosed.

Having considered the petition and the designated material at issue, the Commission finds that the designated material is generally recognized as confidential or proprietary and, given that the wireless carrier market is highly competitive, public disclosure of the designated material could provide competitors with information and insight regarding AT&T Mobility's internal business strategies that could result in commercial advantage to those competitors. For this reason, the Commission further finds that the designated material meets the criteria for confidential treatment and should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. AT&T Mobility's petition for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for ten years or until further Order of this Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).
4. AT&T Mobility shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.
5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been

granted confidential treatment has not expired, AT&T Mobility shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If AT&T Mobility is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow AT&T Mobility to seek a remedy afforded by law.

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ATTEST:



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