

COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

IN THE MATTER OF:

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

ADMINISTRATIVE CASE NO. 381

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**PETITION OF AMERICAN CELLULAR CORPORATION
FOR CONFIDENTIAL TREATMENT**

Petitioner, American Cellular Corporation (“ACC”), through counsel, pursuant to KRS 61.870, KRS 65.7639, and 807 KAR 5:001 Section 7, hereby submits its Petition for Confidential Treatment. The grounds in support of ACC’s Petition are set forth below.

In this Petition, ACC is seeking Confidential Treatment of certain information in its Certification required by the Commission’s September 25, 2001 Order herein as well as the Commission’s August 15, 2005 Order in Case No. 2005-00130 styled *In the matter of: American Cellular Corporation Petition For Designation As A Competitive Eligible Telecommunications Carrier Pursuant To Section 214(E) Of The Telecommunications Act Of 1996*. ACC is providing the original of the Certification of American Cellular Corporation (the “Certification”) attached only to the original of this Petition for Confidential Treatment and marked in red ink as “Proprietary Information” with the Confidential Information highlighted. ACC is providing redacted copies of the Certification identified above with the Confidential Information concerning ACC’s Universal Service Fund Investment Summary obscured for the Commission to place in its files which are available for public inspection.

KRS 61.870 requires that public agencies within the Commonwealth make available for inspection all public records. Certain exceptions to that general requirement are contained in

KRS 61.878 and KRS 61.878 (1)(c), which provide an exemption for certain commercial information. In order to qualify for an exemption under these sections, a party must demonstrate that disclosure of such commercial information would permit an unfair commercial advantage to its competitors unless the information is afforded Confidential Protection. The procedure for requesting Confidential Treatment from the Commission is outlined in 807 KAR 5:001 Section 7.

Certain of the information contained in ACC's Certification is proprietary commercial information as recognized by KRS 65.7639 and the Commission's January 24, 2000 Order in Case No. 99-184 styled In the Matter of: *ACC Of Kentucky LLC's Petition For Confidential Protection*. Accordingly, pursuant to KRS 61.878 (1)(c), ACC requests that the Commission afford Confidential Treatment to ACC's Universal Service Fund Investment Summary. ACC's Universal Service Fund Investment Summary would provide competitors and potential competitors with important information about ACC and its operations, which competitors would be unable to obtain otherwise. Armed with this information, a competitor could develop entry, marketing, or other strategies, which would likely ensure it success in competing with ACC. Further, in a competitive market, any information gained about a competitor can be used to that competitor's detriment. Such an unfair competitive advantage skews the marketplace and prevents the development of true competition to the ultimate detriment of the consumer.

Disclosure of the Confidential Information contained in ACC's Universal Service Fund Investment Summary would be detrimental to ACC because it contains data that is not otherwise available to ACC's competitors. The information sought to be protected herein is not generally known outside ACC, nor is it provided to the public. Its internal use is restricted to only those employees who have a legitimate business reason for reviewing such information, and ACC attempts to control the dissemination of this information through all reasonable means, including

this Petition. Indeed, by granting ACC's Petition, the public interest will be served because competition will be enhanced. Finally, the Commission has recognized in its January 24, 2000 Order in Case No. 99-184 that information of this type, previously submitted by ACC is entitled to Confidential Treatment.

Wherefore, ACC respectfully requests that the Commission issue an Order granting Confidential Treatment to ACC's Universal Service Fund Investment Summary contained in the Certification.

Respectfully submitted this the 30th day of August, 2005.



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COUNSEL FOR AMERICAN CELLULAR
CORPORATION

**CERTIFICATION OF
AMERICAN CELLULAR CORPORATION (SAC 269905)**

ADMINISTRATIVE CASE NO. 381

STATE OF OKLAHOMA)
) ss.
COUNTY OF OKLAHOMA)

The undersigned, being duly sworn, states as follows:

1. I currently serve as Vice President for American Cellular Corporation ("ACC"). I am personally familiar with the high-cost federal universal service support received by ACC and the use of these funds by the Company.

2. On August 15, 2005, the Public Service Commission of Kentucky ("Commission") issued an order in Case No. 2005-00130 designating ACC as an eligible telecommunications carrier ("ETC") throughout portions of the State. In so doing, the Commission further certified ACC's use of federal high-cost universal service support for the remainder of 2005 calendar year. To date, the Company has not received any support from the federal high-cost universal service support fund for the provision of service in Kentucky.

3. To enable ACC to receive federal high-cost universal service support in calendar year 2006, the Commission is required to certify ACC's use of support to the Federal Communications Commission ("FCC") and the Universal Service Administrative Company ("USAC") on or before October 1, 2005. As set forth in the Commission's August 15, 2005 Order, ACC is required to file with the Commission its 2006 certification affidavit in Administrative Case No. 381 by September 1, 2005.

4. Beginning September 1, 2006 (and each September 1 thereafter) ACC is further required to file the following additional information with the Commission: records and documentation detailing the Company's progress towards meeting its build-out plans; the number of complaints per

1,000 handsets; and information detailing the number of unfulfilled requests for service for the past year.

5. Although ACC is not required to file such information until September 1, 2006, the Company is pleased to provide the Commission with information regarding its 2005 capital expenditures, maintenance and operating expenses for the provision of service in Kentucky to aid the Commission in its certification of ACC's use of federal high-cost universal service support for the 2006 calendar year. (See **Confidential Exhibit A** attached hereto).

6. Based on USAC's most recent 4Q2005 projections, ACC currently estimates that it will receive approximately \$4.7 million in federal high-cost universal service support in 2006. Consistent with the Company's 2005 expenditures, ACC expects that its capital investments, maintenance and operating expenses will far exceed the amount of federal high-cost universal service support the Company receives in 2006.

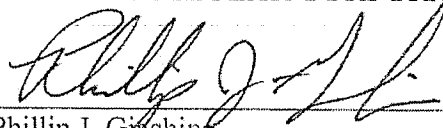
7. Accordingly, ACC hereby certifies that all federal high-cost universal service support the Company receives during the 2006 calendar year will be used only for the provision, maintenance and upgrading of facilities and services for which the support is intended pursuant to Section 254(e) of the Federal Telecommunications Act.

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

Date: August 29, 2005

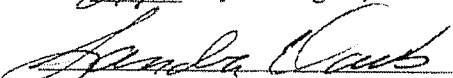
AMERICAN CELLULAR CORPORATION

By



Phillip J. Giachino
Vice President

Subscribed and sworn to before me
this 29 day of August, 2005.


Notary Public

My commission expires: 2-8-07

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American Cellular Corporation

Wireline ETC USF Investment Summary

For the period January 1 to June 30, 2005

(A) PLANI INVESTMENT ²	(B) EXPENSES ³	(C) TOTAL USF EXPENDITURES	Estimated 2005 KY USF Support