COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of:

PUBLIC SERVICE COMMISSION

A CERTIFICATION OF THE CARRIERS RECEIVING UNIVERSAL SERVICE HIGH COST SUPPORT ADMINISTRATIVE CASE NO. 381

## PETITION FOR CONFIDENTIAL TREATMENT

Windstream Kentucky West, Inc., f/k/a ALLTEL Kentucky, Inc. ("Windstream West") moves the Public Service Commission of Kentucky (the "Commission") pursuant to K.R.S. §61.878(1)(c)(1) and 807 KAR 5:001, Section 7 to accord confidential treatment to the attached Filing through which Windstream West is seeking certification for Federal Universal Service Funds usage ("Filing"), and in support of this Petition for Confidential Treatment, Windstream West states the following:

- 1. On September 25, 2001, the Commission issued an order in Administrative Case No. 381 requiring all carriers to file their plans for the use of any high-cost federal support by September 1 of each calendar year. Included in this filing is to be a listing of specific projects and their costs to which the Federal High Cost support will be applied.
- 2. The attached Filing contains a detailed listing of the proposed Capital Budget projects for Windstream West for the year 2007, including project description and associated project costs.
  - 3. K.R.S.  $\S61.878(1)(c)(1)$  provides in pertinent part:

The following public records are excluded from the application of ...[the Open Records Act] and shall be subject to inspection only upon order of a court of competent jurisdiction ...

- (c)1. ...records confidentially disclosed to an agency or required by an agency to disclosed to it, 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.
- 4. The telecommunications market in which Windstream West participates as a provider of local exchange services is highly competitive.
- 5. Public disclosure of the contents of the attached Filing could provide other entities an unfair competitive advantage by revealing proposed network upgrade and modernization plans, certain aspects of competitive pricing, and certain aspects of operational planning.
- 6. Because the attached Filing is confidential and proprietary and because its public disclosure would provide Windstream West's competitors an unfair competitive advantage, the Filing is exempted by K.R.S. §61.878(1)(c)(1) from disclosure under the Open Records Act. As a result, Windstream West is entitled under 807 KAR 5:001, Section 7 to confidential treatment by the Commission for the Filing.
- 7. The Filing also is protected from disclosure pursuant to K.R.S. §61.878(1)(c)(2)(c) as a confidential and proprietary record disclosed to the Commission in conjunction with the regulation of commercial enterprises.
- 8. Included with this Petition as Attachment A is one copy of the Filing that identifies the information for which confidential treatment is sought by highlighting. A yellow "X" across an entire page indicates those pages where confidential treatment is sought for all of the information on the page. Also filed are ten copies of the Filing with the confidential information redacted.

WHEREFORE, Windstream West respectfully requests that the highlighted information in the Filing, as found in Attachment A, be accorded confidential treatment and be placed in the confidential files of the Commission and that Windstream West be accorded all other relief to which it may be entitled.

Dated: September 1, 2006.

Respectfully submitted,

Windstream Kentucky West, Inc.

Mark R. Overstreet

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## Attachment A

## Windstream Kentucky West, Inc.

Filing in the matter of:

## A CERTIFICATION OF THE CARRIERS RECEIVING UNIVERSAL SERVICE HIGH COST SUPPORT

In Administrative Case 381

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