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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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COMMISSION

SOUTH CENTRAL TELCOM LLC)
Complainant)
v.)
BELLSOUTH TELECOMMUNICATIONS,)
INC., D/B/A AT&T KENTUCKY)
Defendant)

Case No. 2006-00448

**PETITION FOR CONFIDENTIAL TREATMENT OF CERTAIN INFORMATION
IN SOUTH CENTRAL TELCOM LLC'S PREFILED DIRECT TESTIMONY**

South Central Telcom LLC ("South Central Telcom"), by counsel, pursuant to 807 KAR 5:001 §7 and KRS 61.878(1)(c)(1), requests that the Public Service Commission of Kentucky ("the Commission") accord confidential treatment to the specific monetary amounts contained on page 4, line 15 and Exhibit 2 of South Central Telcom's prefiled direct testimony of Max Phipps in the above-captioned case (the "Information").¹ In support of its motion, South Central Telcom states as follows.

I. Applicable Law.

807 KAR 5:001 §7(2) sets forth a procedure by which certain information filed with the Commission may be treated as confidential. Specifically, the party seeking such confidential treatment of certain information must "[set] forth specific grounds pursuant to KRS 61.870 et seq., the Kentucky Open Records Act, upon which the commission should classify that material as confidential." 807 KAR 5:001 §7(2)(a)(1).

¹ Pursuant to 807 KAR 5:001 §7(2)(a)(2), a copy of the Information, highlighted in transparent ink, is attached to the original (only) of this motion. Please note that because the *entirety* of Exhibit 2 is confidential, South Central Telcom has highlighted only the first page of the exhibit.

The Kentucky Open Records Act, KRS 61.870 et seq., exempts certain records from the requirement of public inspection. See KRS 61.878. In particular, KRS 61.878 provides as follows:

- (1) 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. Upon and after July 15, 1992, records confidentially disclosed to an agency or required by an agency to be 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.

Id.

II. The Information Should Be Classified Confidential.

Read in conjunction, 807 KAR 5:001 §7(2)(a)(1) and KRS 61.878(1)(c)(1) provide that the Commission may classify the Information as confidential if the open disclosure of the Information to the general public "would permit an unfair commercial advantage to competitors of the entity that disclosed the records." See KRS 61.878(1)(c)(1). For the reasons set forth below, the disclosure of the Information to the general public could "permit an unfair commercial advantage to competitors of [AT&T]." *Id.* Accordingly, the Information should be classified as confidential.

On page 4, line 15 of South Central Telcom's prefiled direct testimony of Max Phipps, Mr. Phipps identifies certain monetary amounts due from BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky ("AT&T") to South Central for unpaid switched access charges. Exhibit 2 to Mr. Phipp's testimony provides documentary support for that monetary amount.

Although South Central Telcom does not know whether AT&T considers the Information confidential, it believes that the disclosure of the Information to the general public could permit an unfair commercial advantage to AT&T's competitors. Accordingly, in an abundance of caution, believing that the information contained on page 4, line 15 and Exhibit 2 of South Central Telcom's prefiled directed testimony of Max Phipps may be potentially sensitive to AT&T, South Central Telcom requests that the Information be treated as confidential. The disclosure of this Information to the public would provide AT&T's competitors and potential competitors with potentially confidential information regarding AT&T's financial condition and cost of doing business. Competitors could then potentially exploit that information and gain an unfair competitive advantage. If, however, the Commission classifies the Information as confidential, AT&T's competitors will not gain unfair access to this potentially sensitive, confidential information related to AT&T's financial condition and cost of doing business.

807 KAR 5:001 §7(2)(a)(1) and KRS 61.878(1)(c)(1) expressly authorize the Commission to classify the Information as confidential (and thereby restrict public access to the Information) because the disclosure of the Information to the public would permit an unfair competitive advantage to competitors of AT&T. For the reasons set forth above, the disclosure of the Information could provide AT&T's competitors with an unfair competitive advantage over AT&T. Accordingly, the Commission should classify the Information as confidential pursuant to 807 KAR 5:001 §7 and KRS 61.878(1)(c)(1) and, accordingly, prevent the public disclosure of the Information.

Respectfully submitted,



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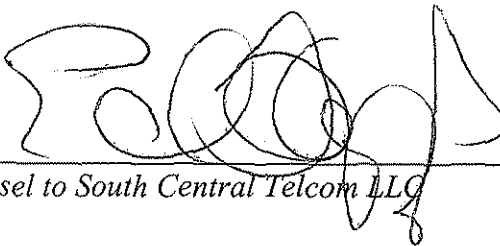
CERTIFICATE OF SERVICE

It is hereby certified that a true and accurate copy of the foregoing was served by first-class United States mail, sufficient postage prepaid, on the following individuals this 18th day of July, 2008:

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