

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF TILLMAN INFRASTRUCTURE	)	
LLC AND NEW CINGULAR WIRELESS PCS, LLC	)	
D/B/A AT&T MOBILITY FOR ISSUANCE OF A	)	CASE NO.
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	2017-00435
NECESSITY TO CONSTRUCT A WIRELESS	)	
COMMUNICATIONS FACILITY IN THE	)	
COMMONWEALTH OF KENTUCKY IN THE	)	
COUNTY OF MARSHALL	)	

ORDER

On August 1, 2018, Tillman Infrastructure LLC and New Cingular Wireless PCS, d/b/a AT&T Mobility (Applicants), filed a petition, pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection to Applicants' responses to Commission Staff's First Request for Information.

Specifically, Applicants seeks confidential treatment for the information in Applicants' response regarding rental amounts in leases and increases in rent. As the basis for its request, Applicants state that public disclosure of the information in the response could disadvantage Applicants in future negotiations with property owners and competitors for tower and ground space rights.

Applicants request that the identified information remain confidential either indefinitely or for a minimum of 25 years.

KRS 61.878(1)(c)(1) states that, "[u]pon and after July 15, 1992, records confidentially disclosed to an agency or required 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,” are excluded from the Open Records Act.

Having considered the petition and the material at issue, the Commission finds that the designated material contained in Applicants’ Responses to Commission Staff’s First Request for Information is generally recognized as confidential or proprietary, and therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Applicants’ petition for confidential protection for the designated material in Applicants’ Response to Commission Staff’s First Request for Information is granted.
2. The designated material shall not be placed in the public record or made available for public inspection until further Orders of this Commission.
3. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. Applicants shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.
5. If a non-party 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, then Applicants shall have 20 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 Applicants are 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 20 days following an Order finding that the material no longer qualifies for confidential treatment in order to allow Applicants to seek a remedy afforded by law.

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By the Commission

ENTERED  
OCT 04 2018  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

*For*   
Executive Director

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