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PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION
Case No. 2018-00157

In the Matter of

CMN-RUS, INC.

COMPLAINANT

v.

WINDSTREAM KENTUCKY EAST, LLC

RESPONDENT

**WINDSTREAM KENTUCKY EAST, LLC's PETITION FOR CONFIDENTIAL
TREATMENT OF ADDITIONAL CONFIDENTIAL CONTRACTS**

Comes the Defendant, Windstream Kentucky East, LLC's ("Windstream"), and for its Petition for Confidential Treatment of Additional Confidential Contracts, hereby states as follows:

Windstream, pursuant to 807 KAR 5:001, Section 13, petitions the Commission to classify and protect as confidential certain information contained in Responses to Requests for Information from the Public Service Commission ("PSC"). Windstream's Responses to the PSC's Requests No. 7 and 8 contain information the disclosure of which would damage Windstream's competitive position and business interests. As required by 807 KAR 5:001, Section 13(2), Windstream is providing one copy of the documents for which it is requesting confidential treatment, under seal, and six copies of the documents with the confidential material redacted.

In its Requests for Information No. 8, the PSC has requested the following:

8. Provide copies of all current agreements between Windstream East and any pole owner or operator regarding the procedure for processing Windstream East's applications for pole attachments or the procedure for completing related make-ready work.

Further, in its Second Set of Requests for Information, Request No. 19, CMN requested:

19. Refer to your listing of entities, "Windstream – Fayette County: Person, entity, organization (including any Windstream affiliate)," WIN 0303, in response to 1

CMN 15's request for "each person, entity, or organization (including any Windstream Affiliate) which has or had an attachment, or applied to have an attachment, to one or more Windstream poles in Fayette County" since January 1, 2013.

Identify which entities listed currently have attachments, and which are (or were) Windstream affiliates. If a current attacher or a Windstream Affiliate which has or had an attachment or applied to have an attachment on a Windstream pole in Fayette County since January 1, 2013, is not listed on WIN 0303, state the entity's full legal name and identify it as a current attacher or Windstream Affiliate (or both) as applicable.

Provide the applicable attachment contract for each entity listed in WIN 0303 or in response to part a above. (If a contract has already been provided in full, identify the name of the other party and the document WIN #s.)

In response to these questions, Windstream is now producing WIN785-7871. As these contracts contain confidentiality clauses, Windstream is now seeks confidential treatment of these contracts pursuant to KRS 61.878(1)(c) for an indefinite period of time.

KRS 61.878(1)(c) exempts from disclosure "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." Windstream has entered into these contracts in a competitive field and given the other parties to these contracts the expectation that their terms would remain confidential. Public disclosure of such contracts would constitute a breach, subjecting Windstream to damages and possible loss of business with these companies to whom Windstream promised confidentiality. To protect its business and proprietary interests, Windstream seeks confidential treatment, for an indefinite period, of these contracts. As such, Windstream is providing one copy of the documents for which it is requesting confidential treatment, under seal and six copies of the documents with the confidential material redacted.

WHEREFORE, Windstream requests the PSC to grant its Petition for Confidential Treatment of Additional Confidential Contracts.

Respectfully submitted,




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*Counsel for Defendant,
Windstream Kentucky East, LLC*

CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the foregoing was hand delivered on
October 1, 2018 upon the following:

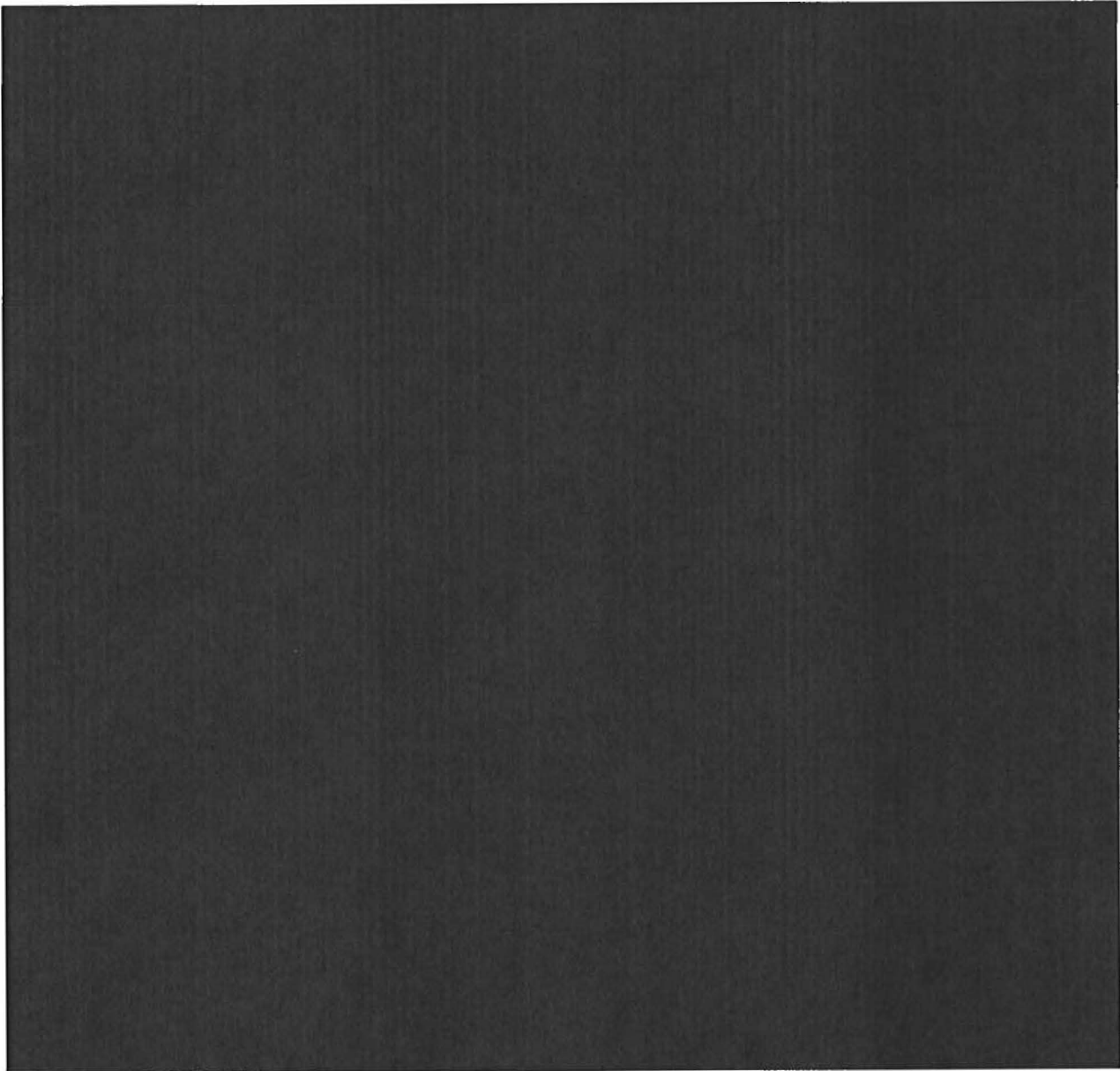
Katherine K. Yunker, Esq.
William George, Esq.
McBrayer, McGinnis, Leslie & Kirkland, PLLC
201 East Main Street, Suite 900
Lexington, KY 40507
*Counsel for Complainant,
CMN-RUS, Inc.*

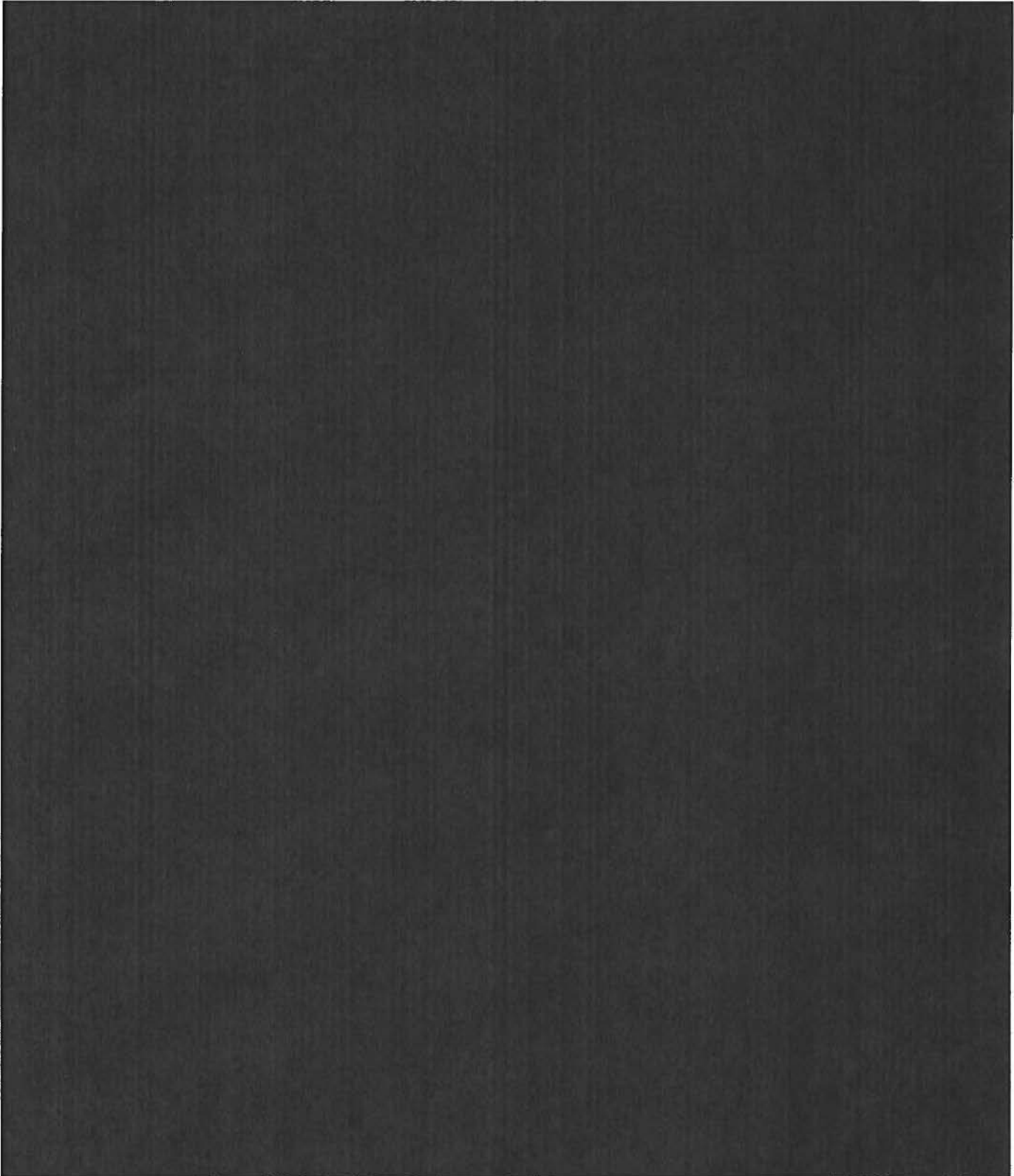


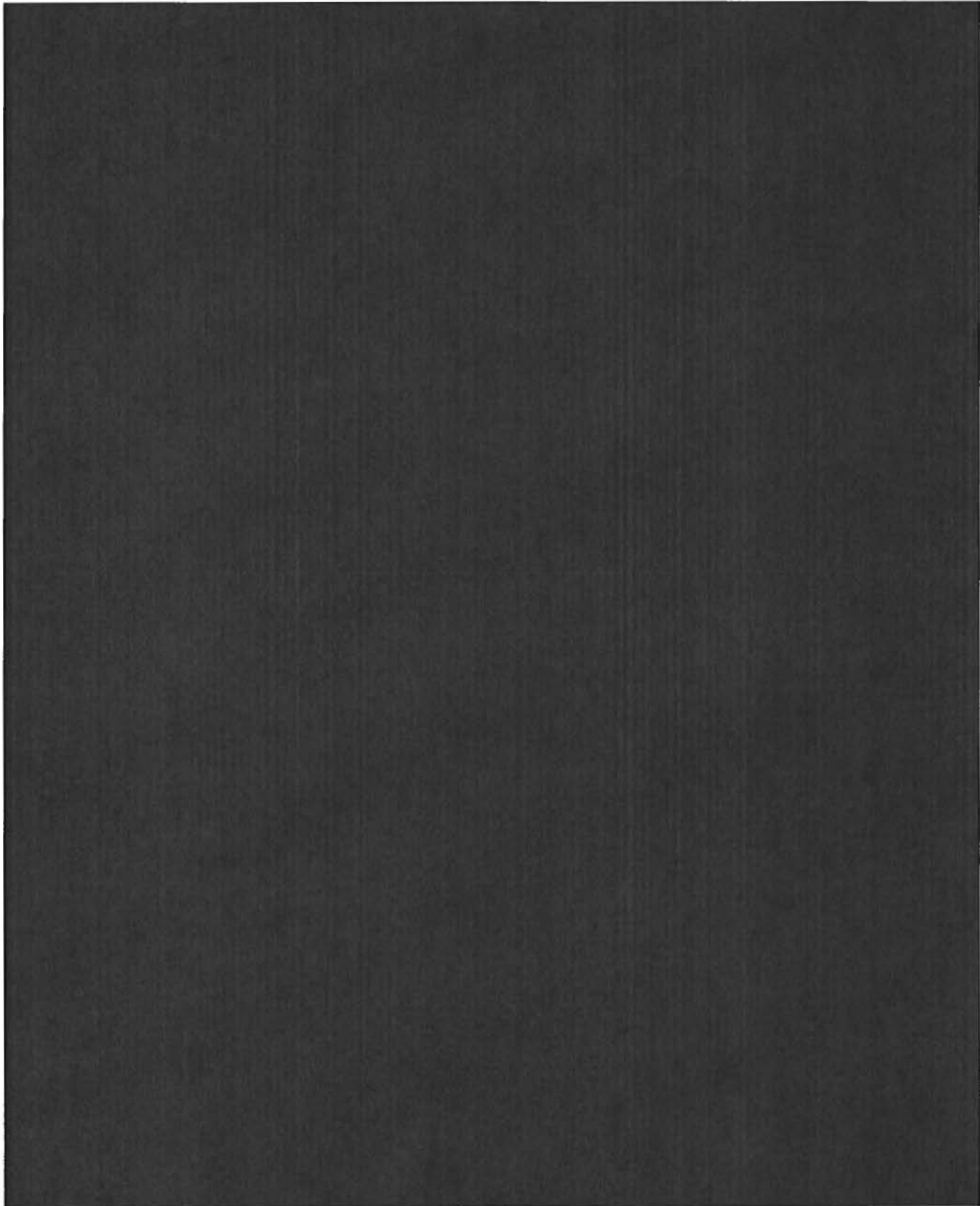
*Counsel for Respondent,
Windstream Kentucky East, LLC*

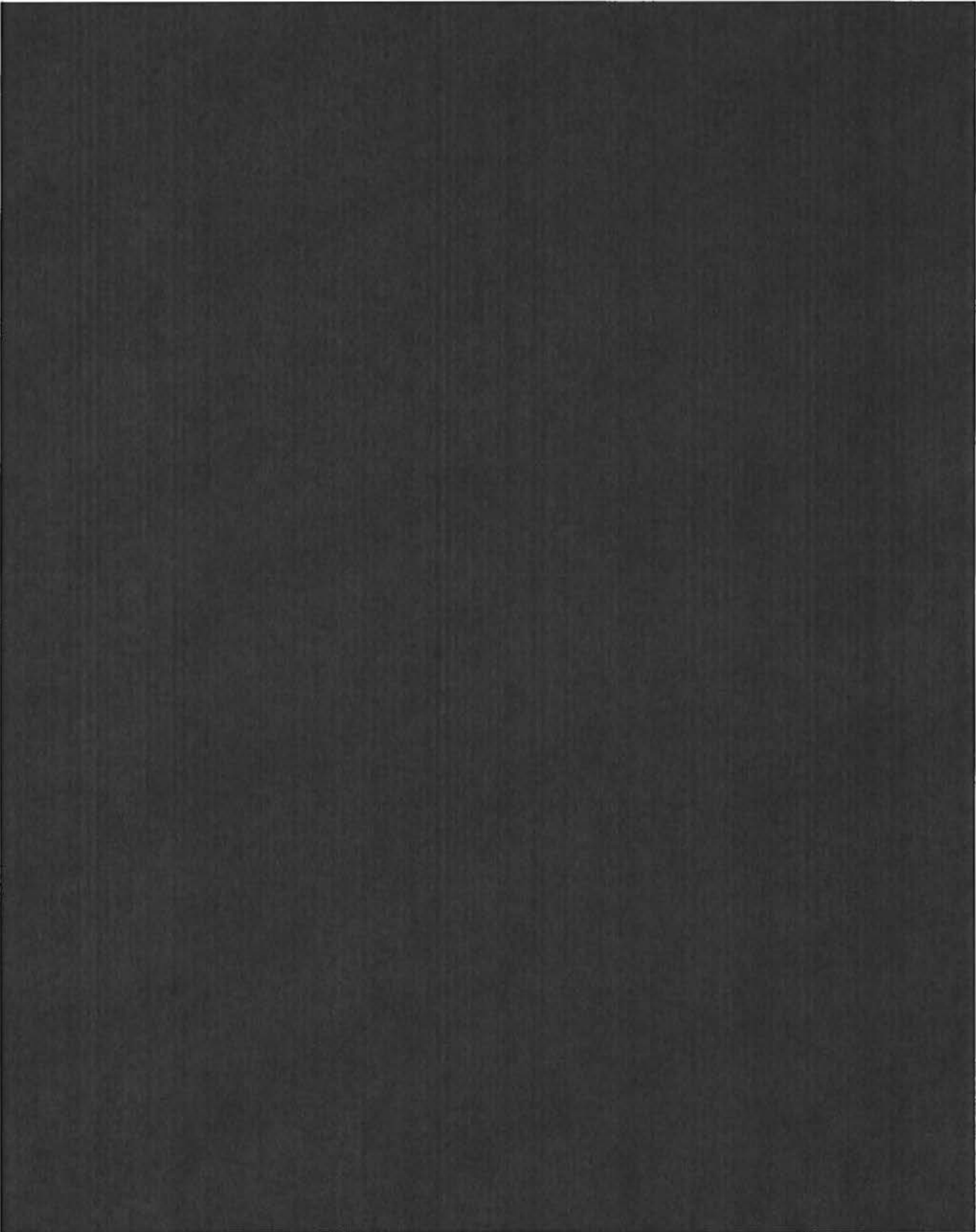
JOINT USE POLE AGREEMENT
BETWEEN BLUE GRASS ENERGY COOPERATIVE CORPORATION
and
GTE SOUTH INCORPORATED

THIS AGREEMENT, made as of the 1st day of January , 1997 , by and between **BLUE GRASS ENERGY COOPERATIVE CORPORATION**, a Kentucky CORPORATION, hereinafter referred to as the "Power Distributor," and **GTE SOUTH INCORPORATED**, a KENTUCKY CORPORATION, hereinafter referred to as the "TELEPHONE COMPANY".

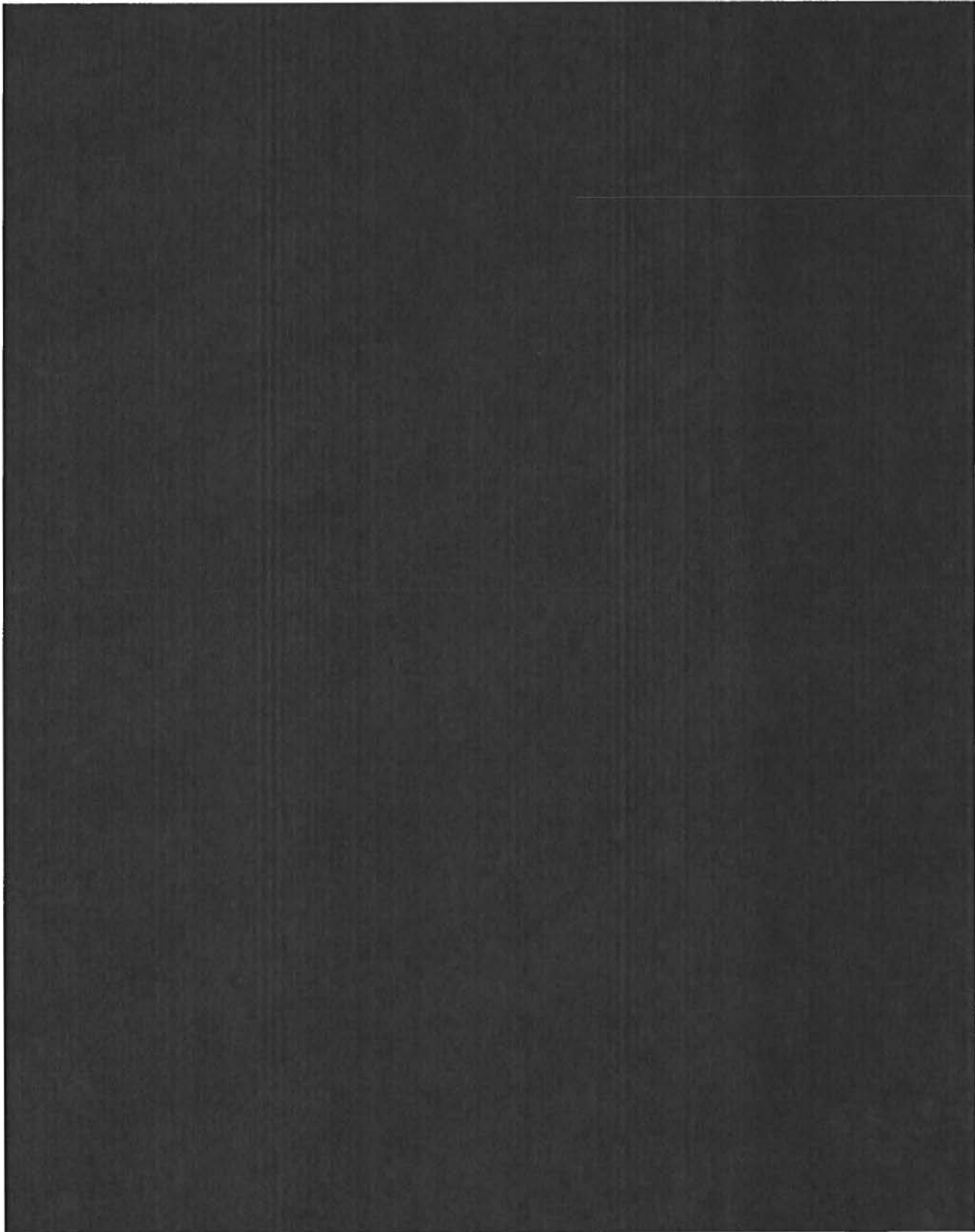


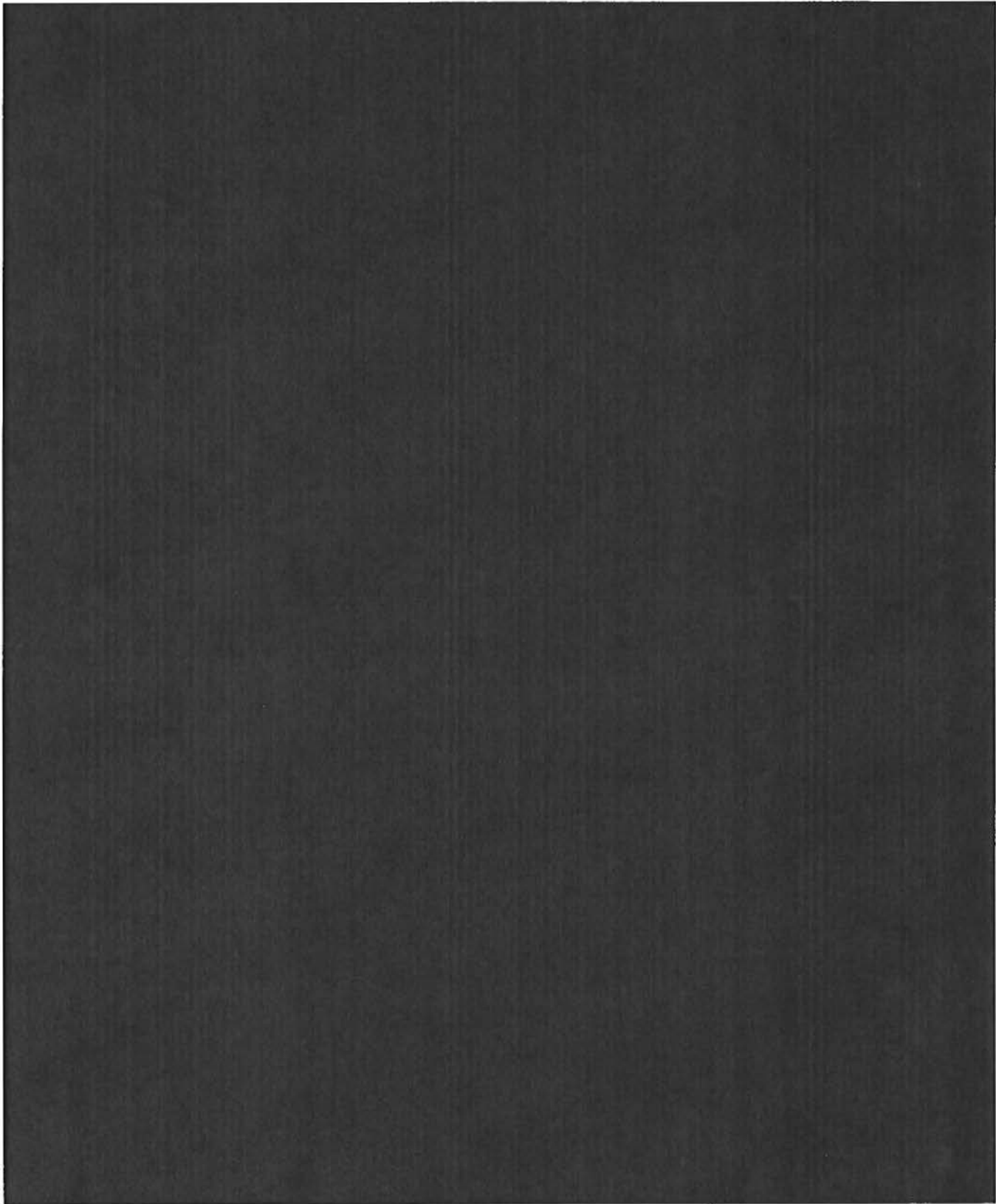


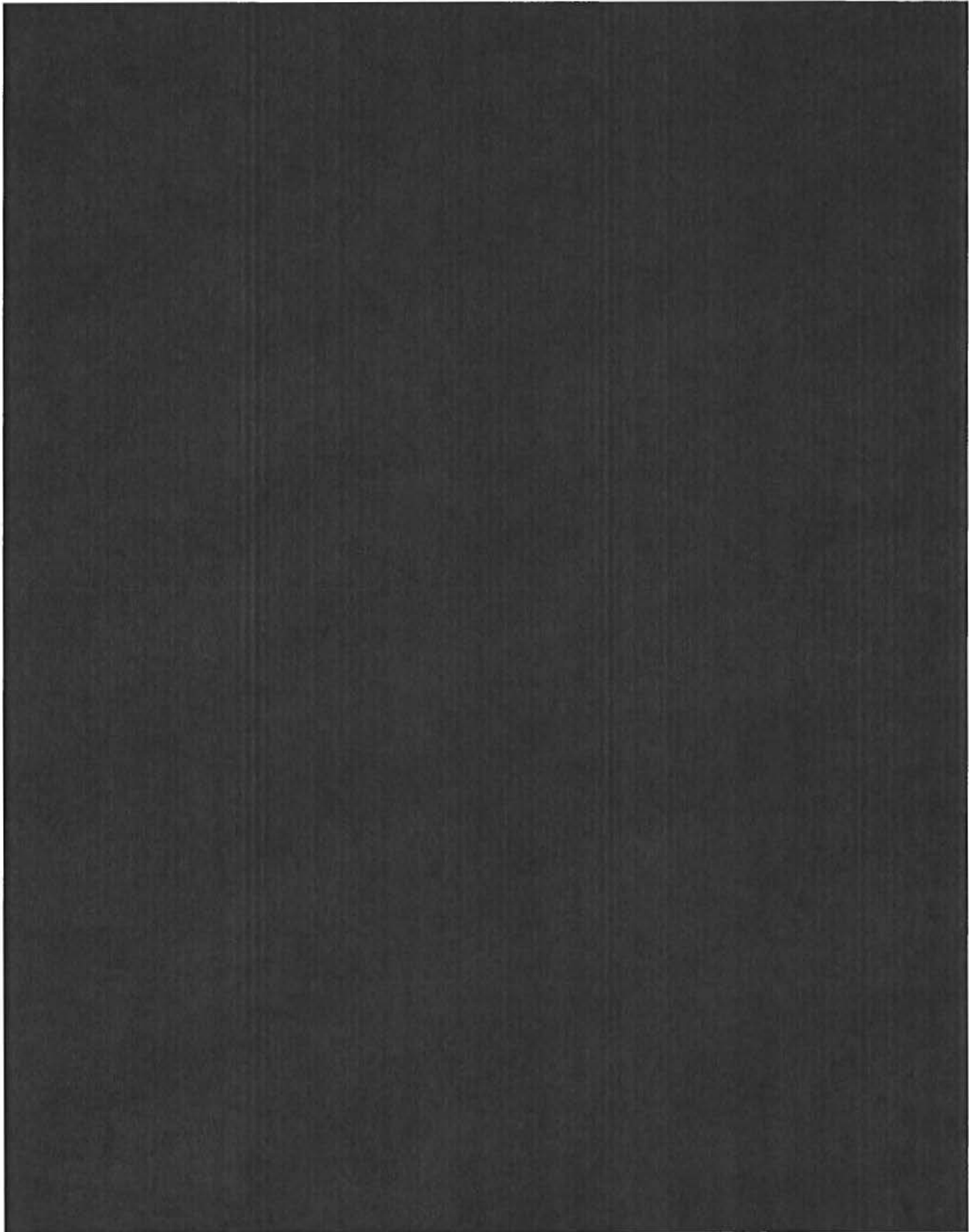


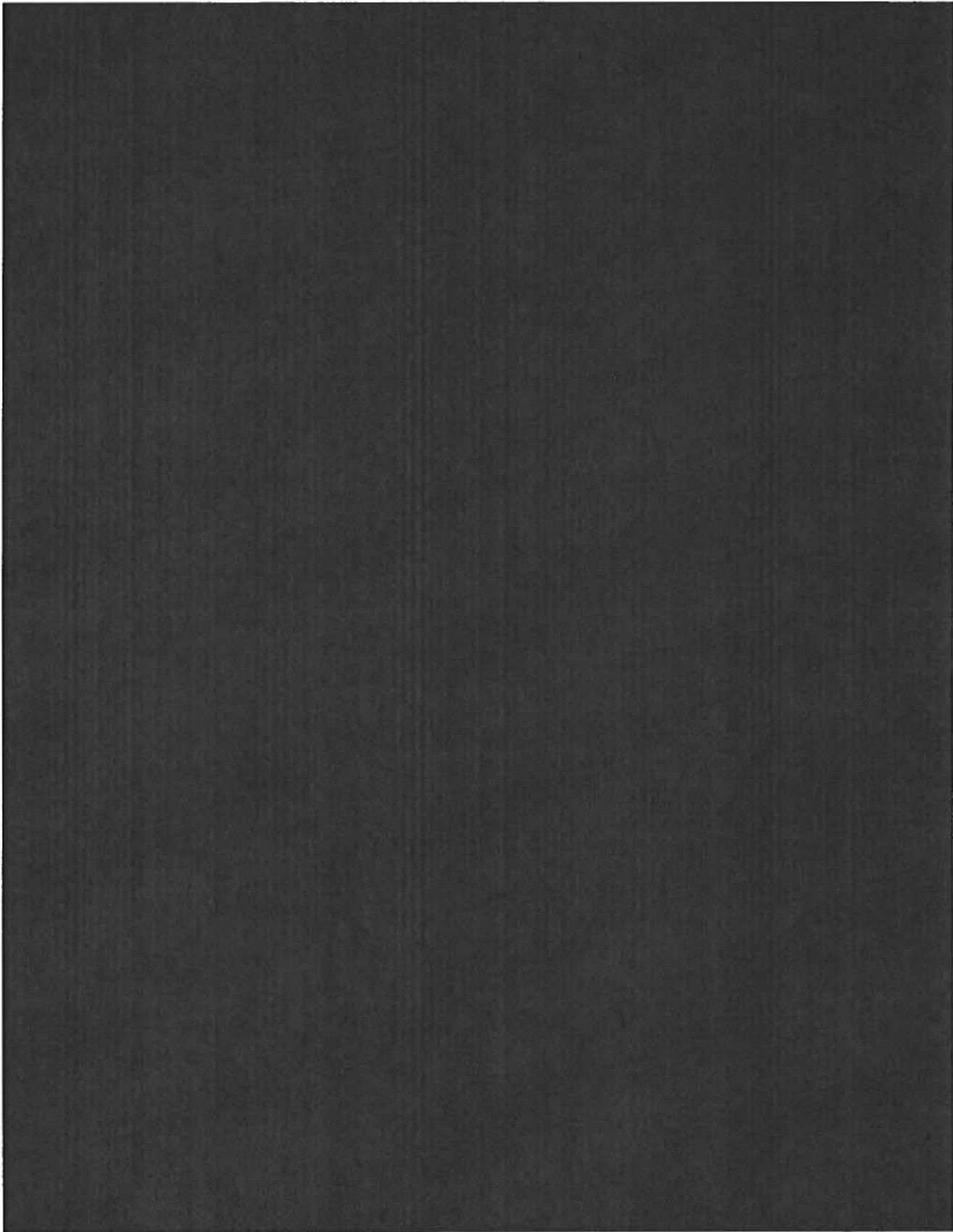


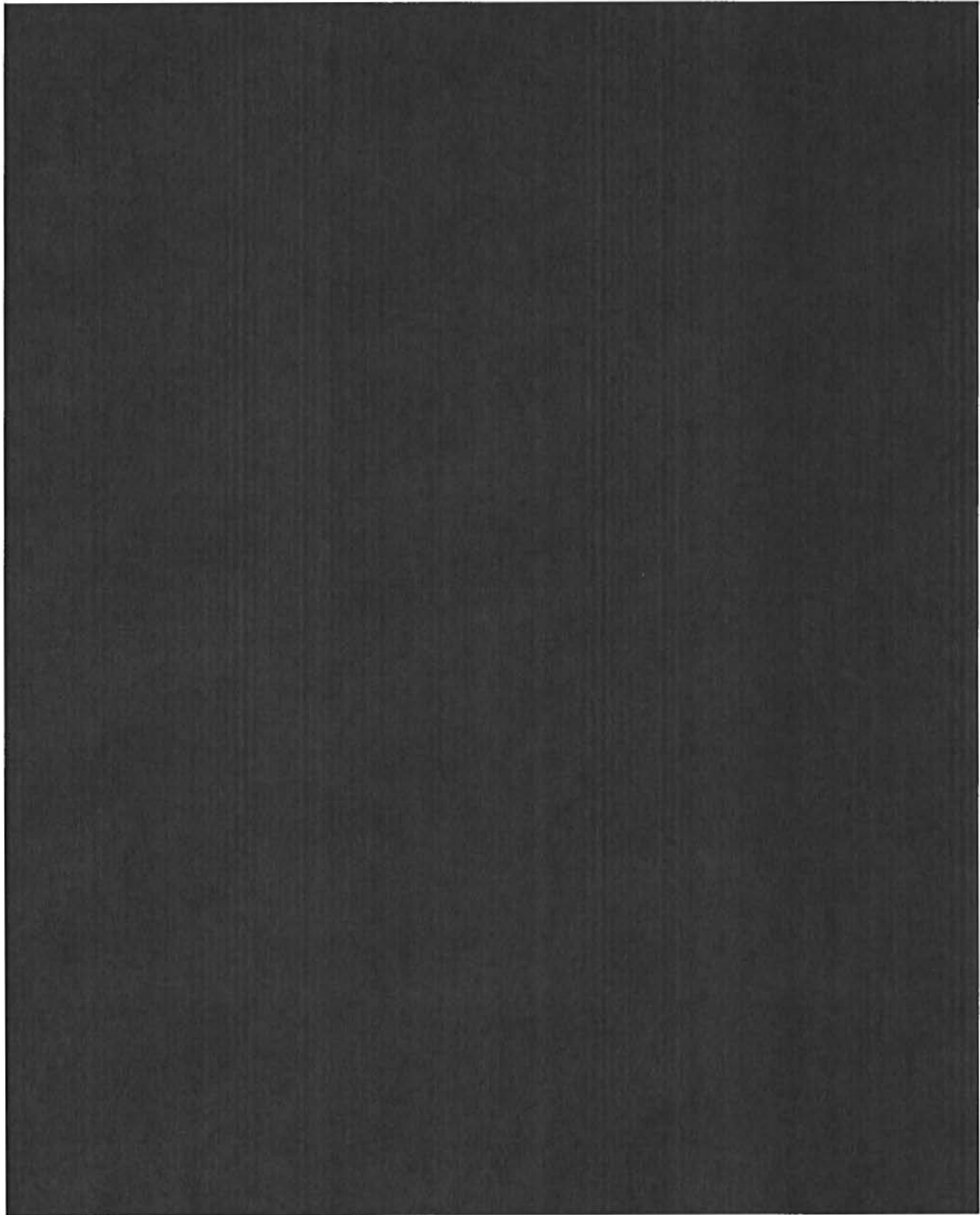
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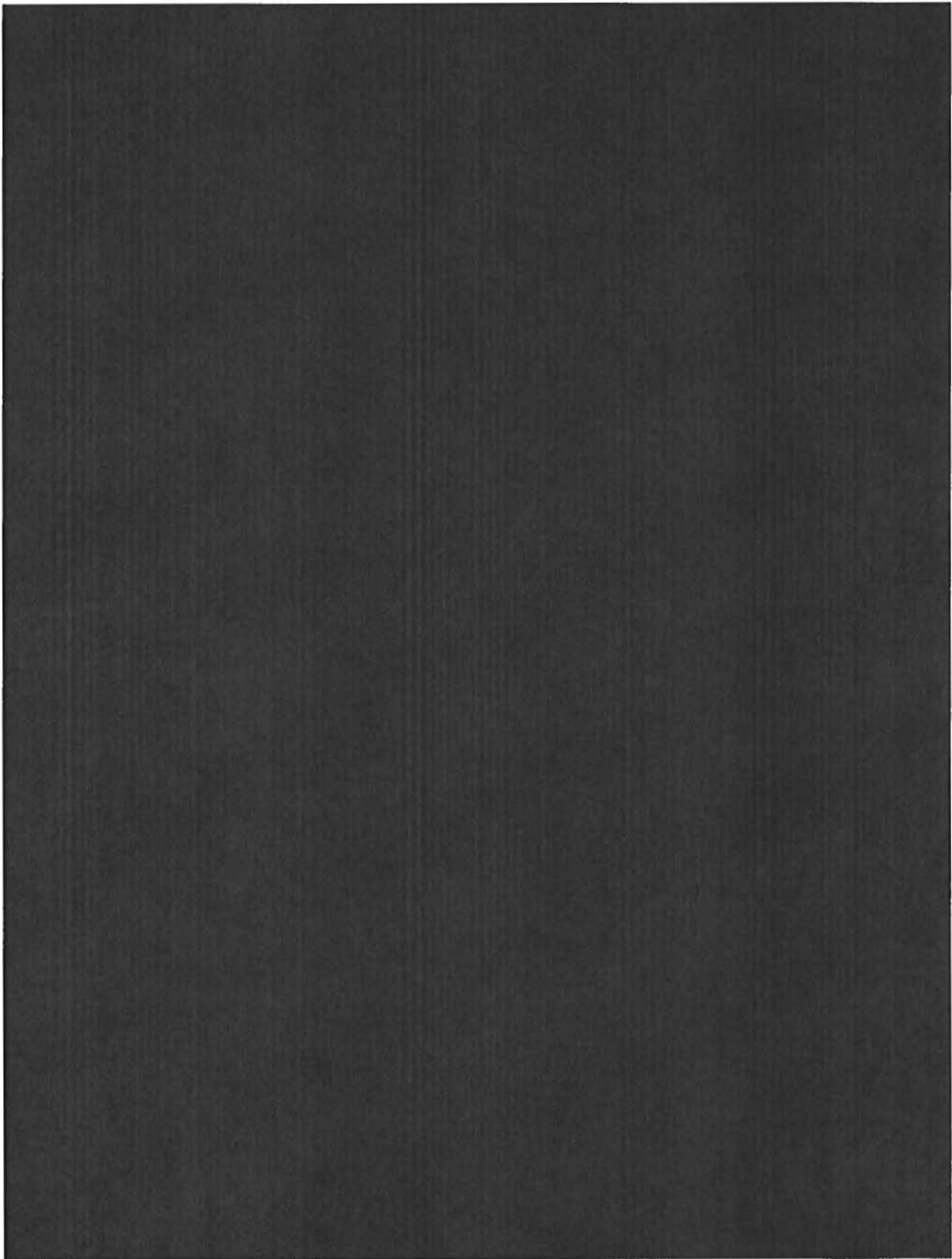




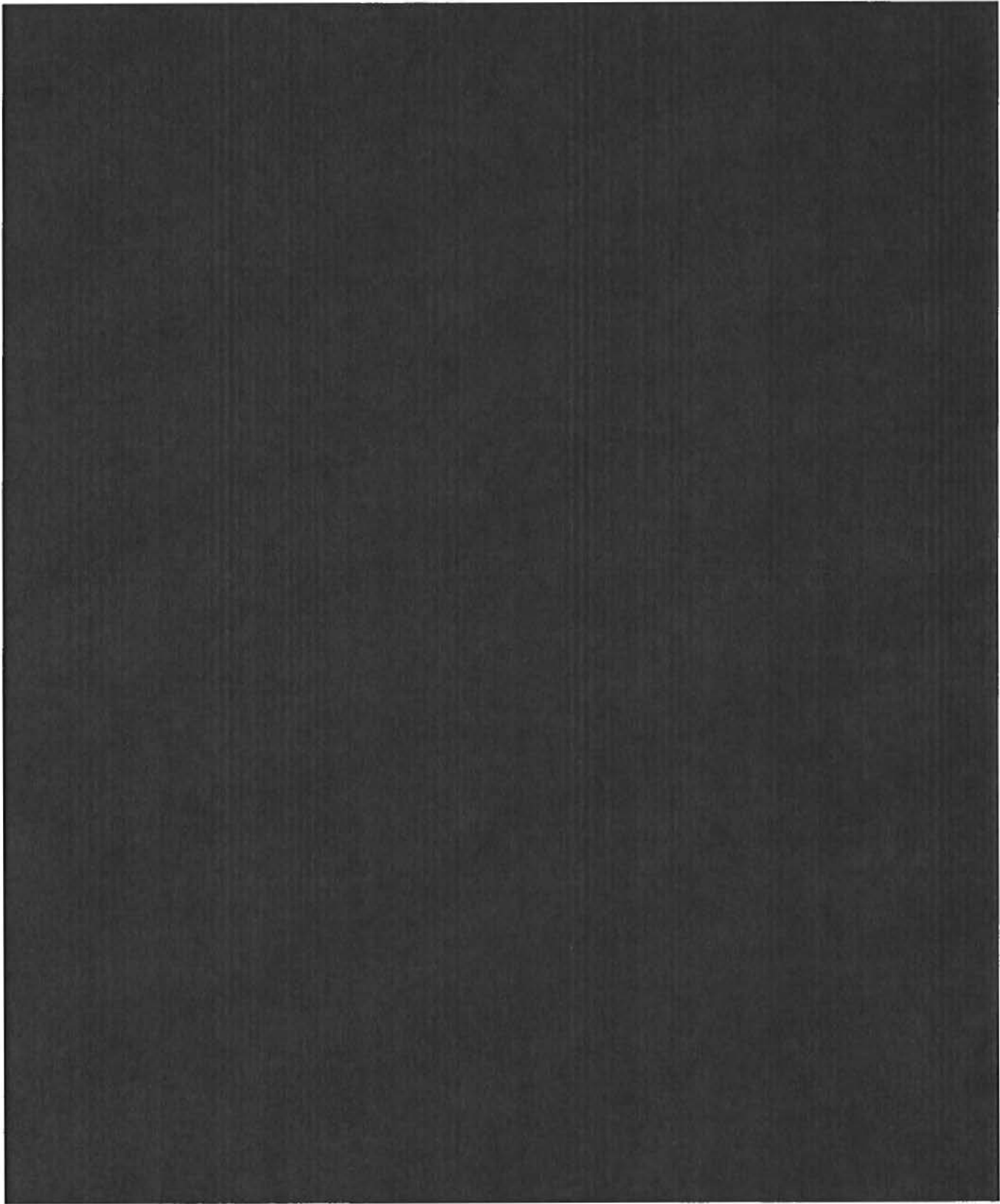


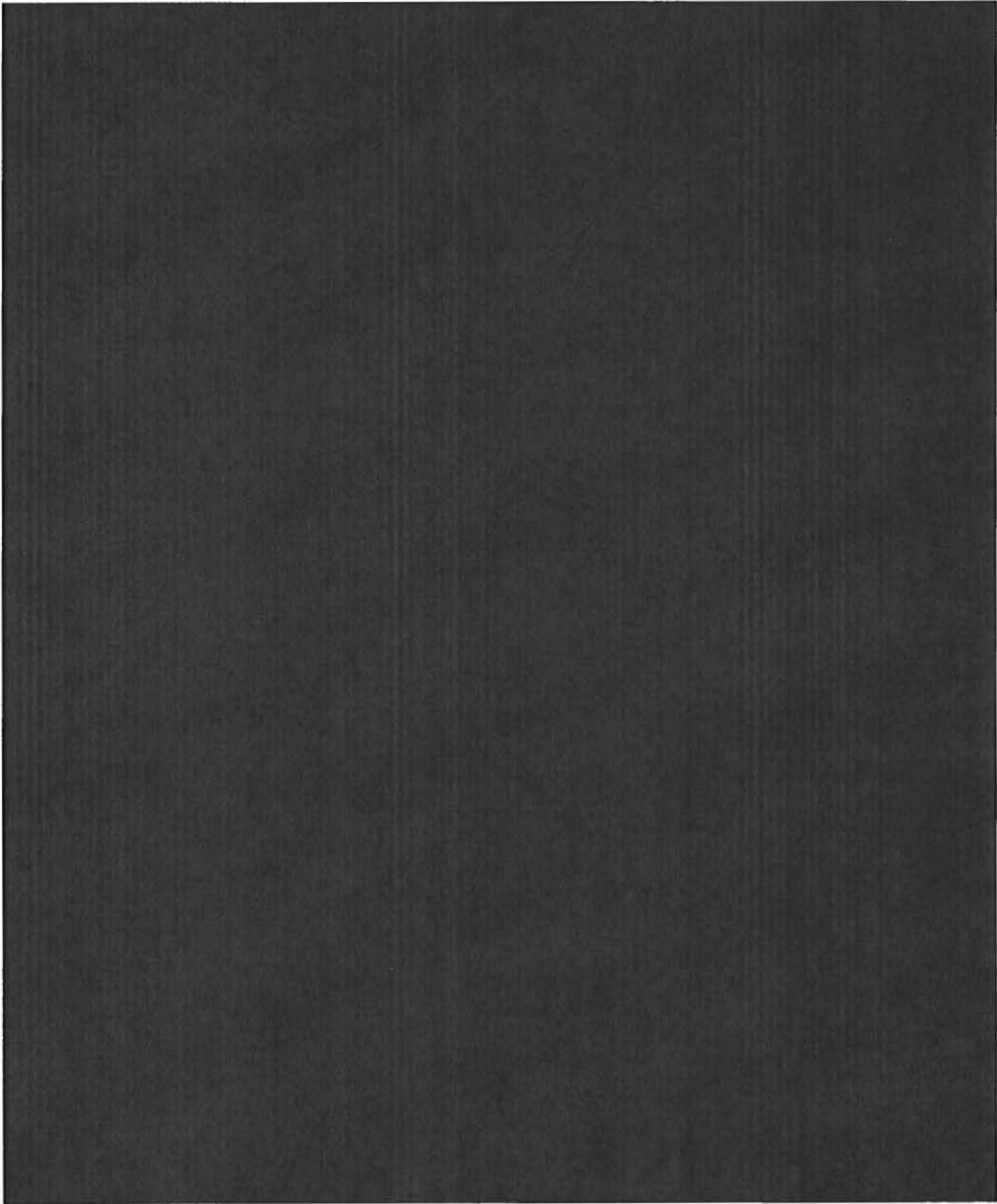


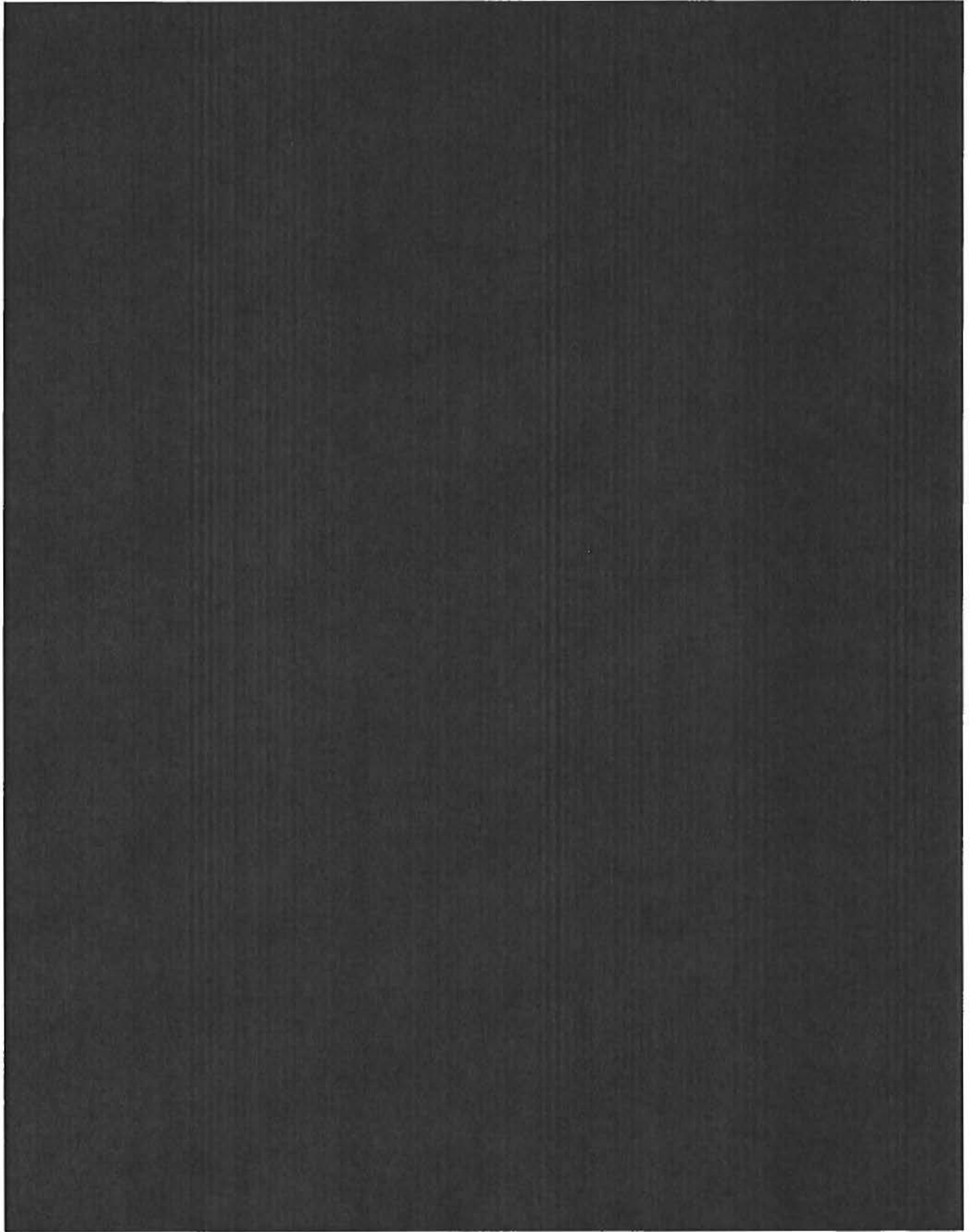


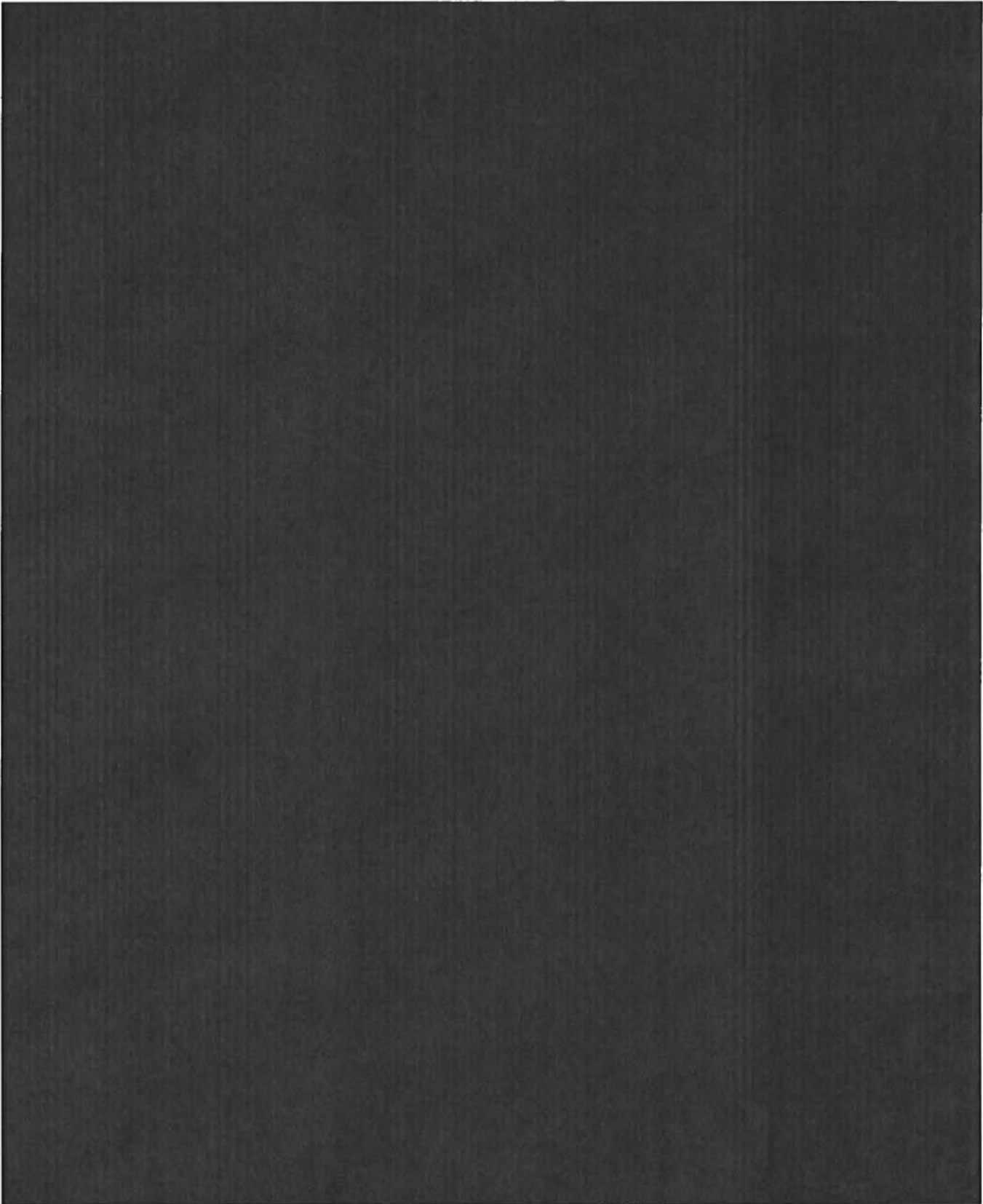


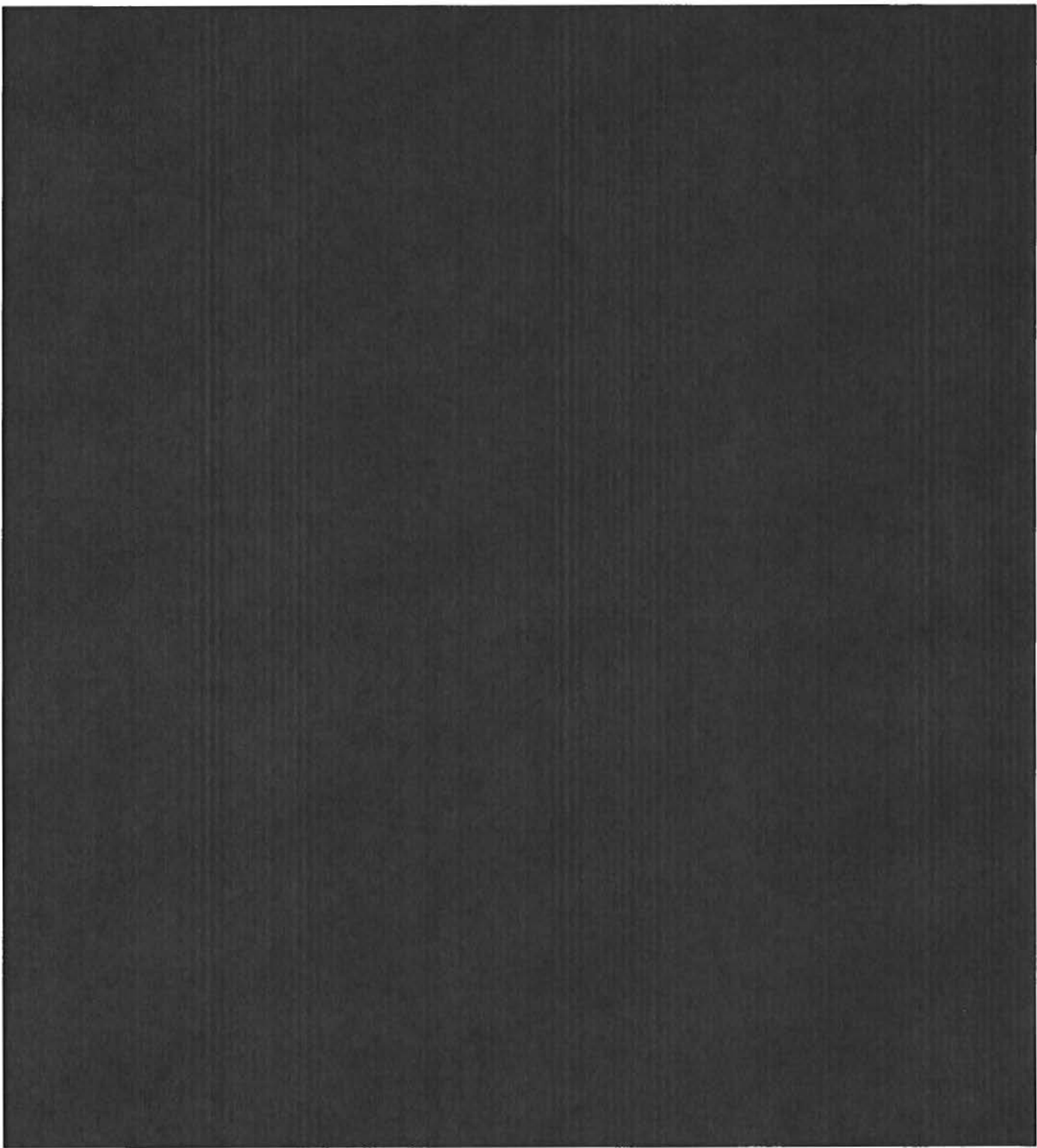
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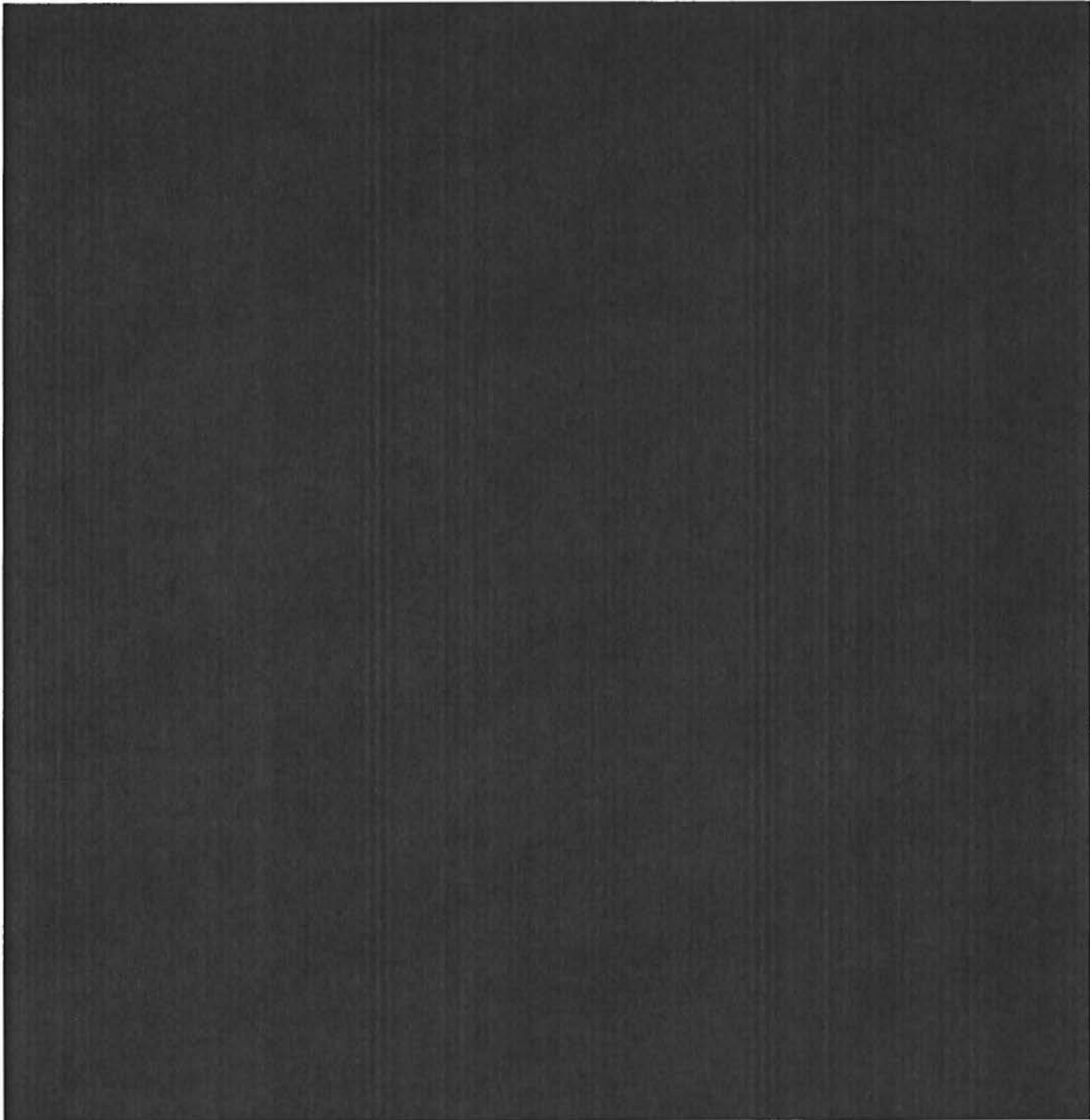


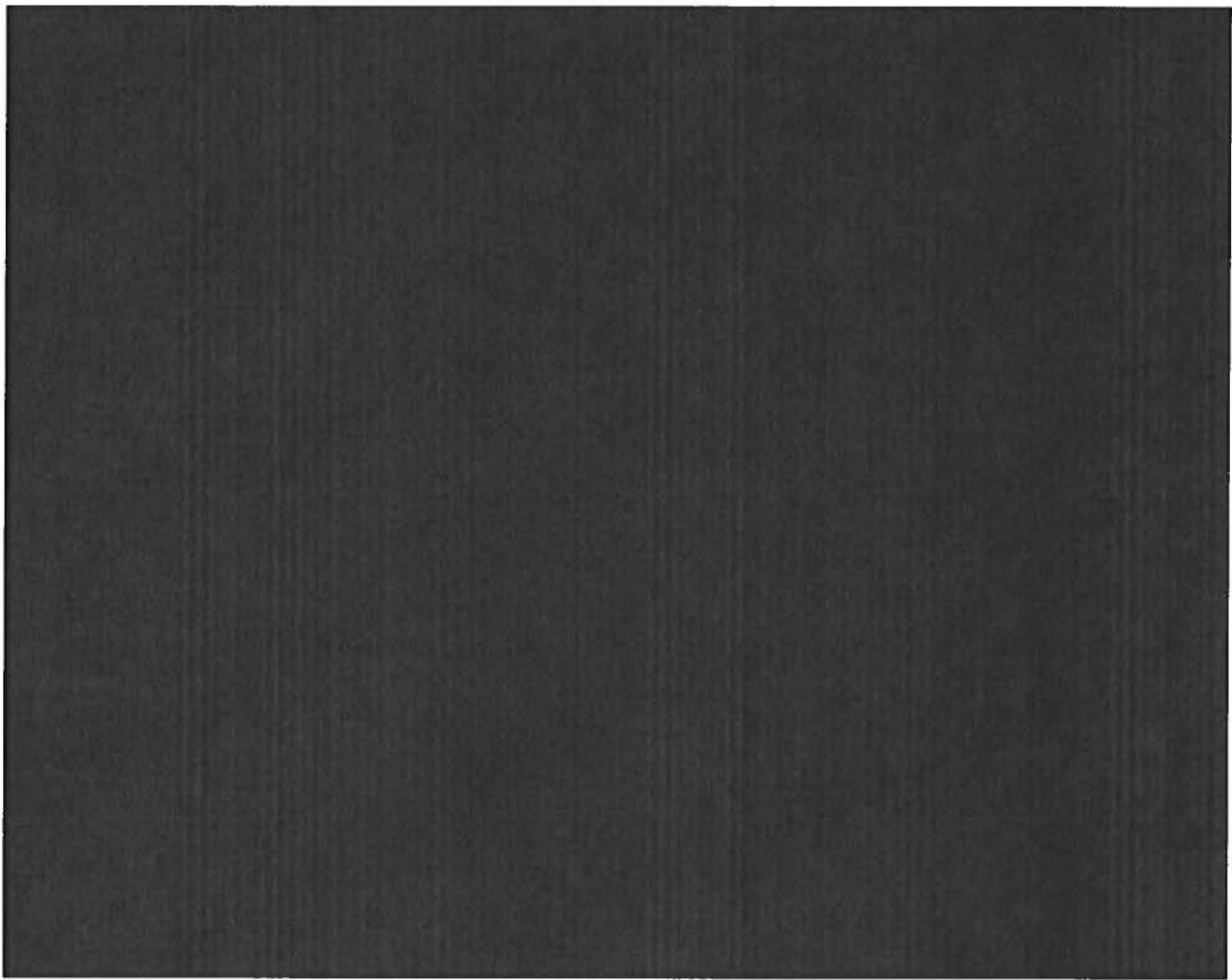


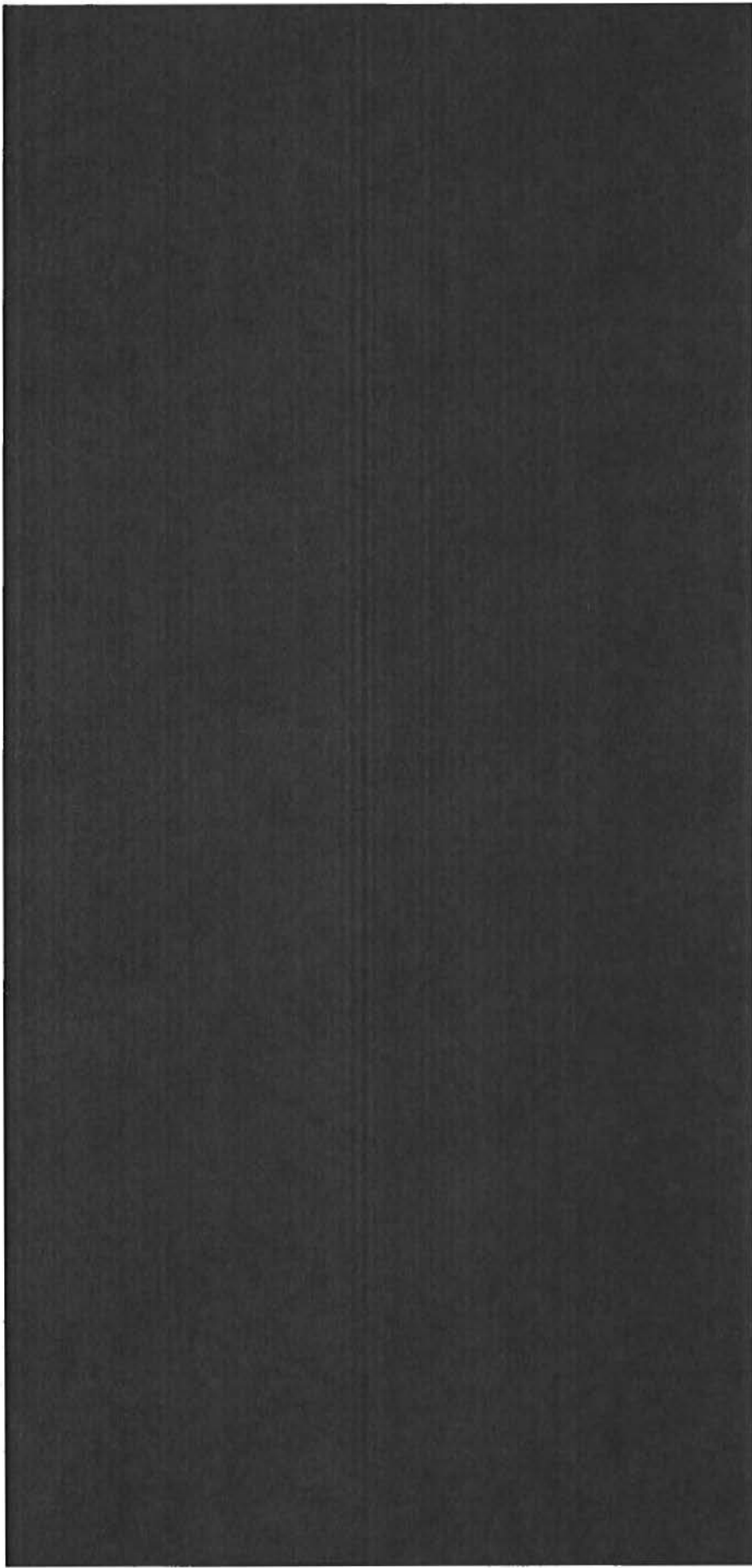


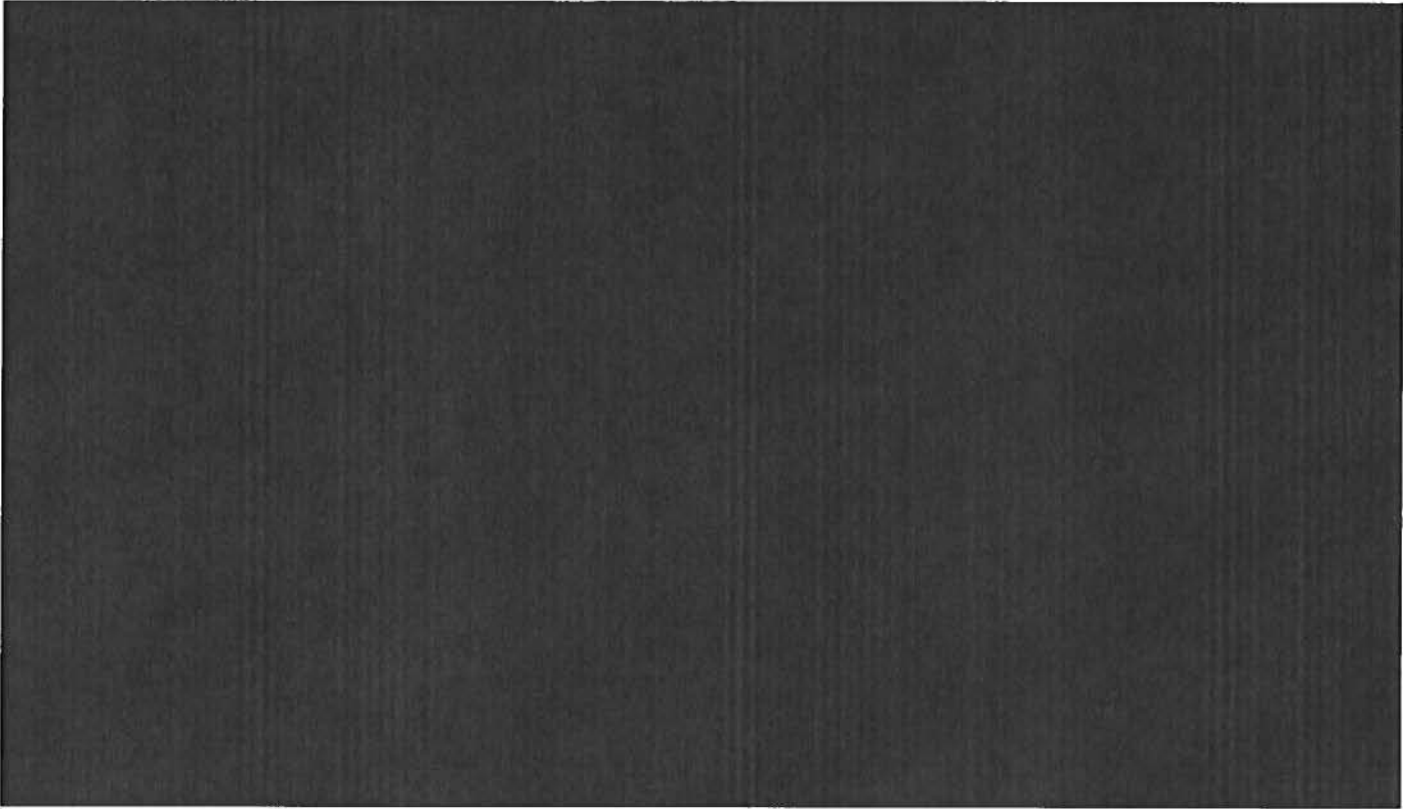


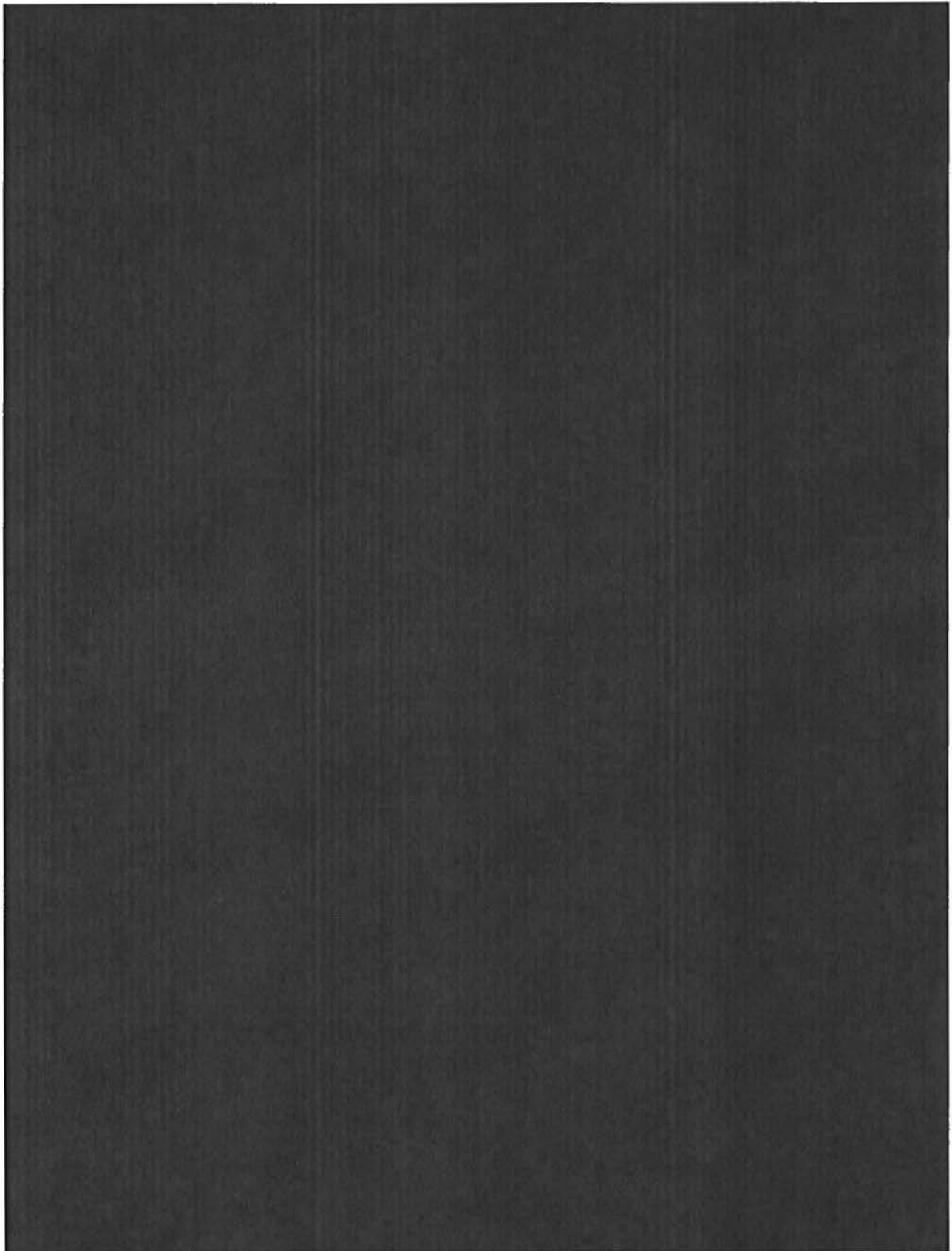


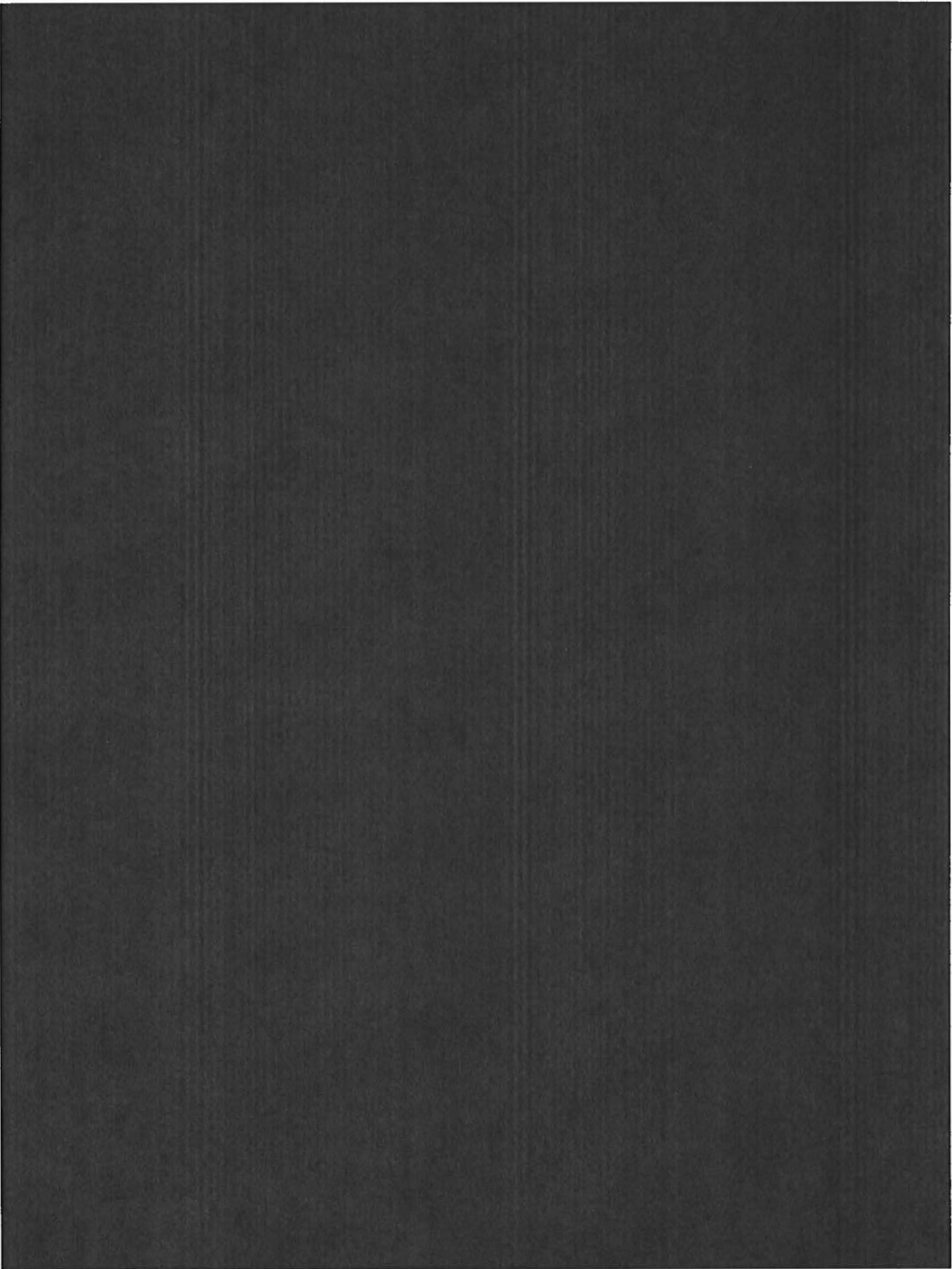






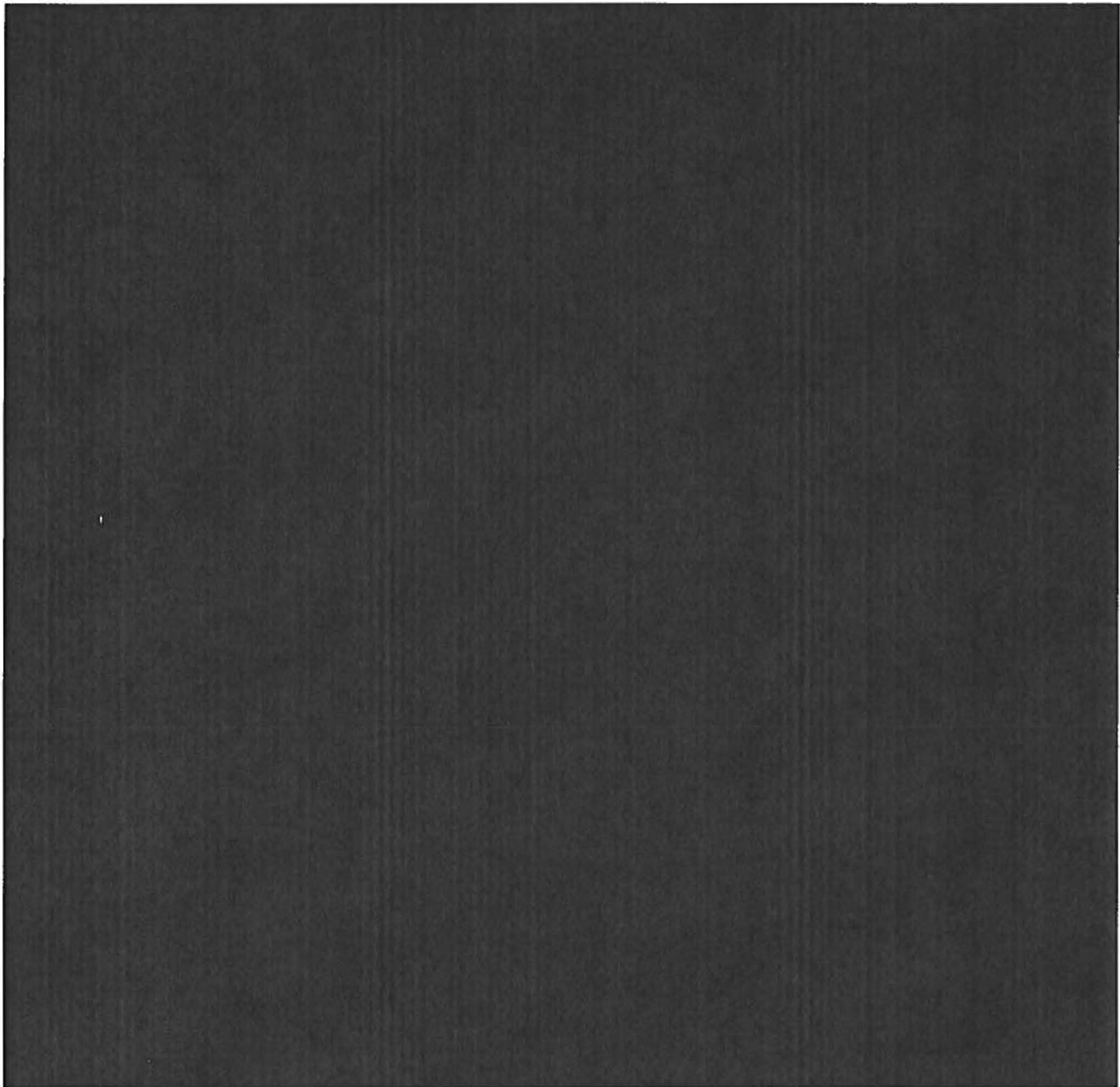






KY-714.005

WIN7855



KY-714.005

WIN7856

AGREEMENT

This Agreement entered into this ___ day of February, 1999, by and between **KENTUCKY DATA LINK, INC. ("KDL")**, a Kentucky corporation, and **SHELBY ENERGY COOPERATIVE, INC., ("SHELBY")**, a Kentucky corporation.

