

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF NEW)	
CINGULAR WIRELESS PCS, LLC D/B/A AT&T)	
MOBILITY FOR ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE)	CASE NO.
AND NECESSITY TO CONSTRUCT A)	2020-00328
WIRELESS COMMUNICATIONS FACILITY IN)	
THE COMMONWEALTH OF KENTUCKY IN)	
THE COUNTY OF METCALFE)	

ORDER

On November 30, 2020, New Cingular Wireless PCS, LLC, a Delaware limited liability company, d/b/a AT&T Mobility (AT&T), and Uniti Towers LLC, a Delaware limited liability company (jointly, Applicants), requested confidential treatment pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13, for ten years for an affidavit filed in support of their application.

As a basis for their motion, Applicants assert that the affidavit includes discussion of inherently proprietary and confidential information, specifically cellular tower leases with information that has substantial proprietary value to competitors and potential ground and tower space lessors. Applicants contend that public disclosure of the designated material would result in an unfair commercial advantage to their competitors and potential lessors.

Having considered the motion and the material at issue, the Commission finds that the designated material is generally recognized as confidential or proprietary; it 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. Applicant's motion for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for ten years or until further Order of this Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).
4. Applicants shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.
5. If a nonparty 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, Applicants shall have 30 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 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow Applicants to seek a remedy afforded by law.

By the Commission



ATTEST:


Executive Director

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