



Holland N. McTyeire, V  
Direct (502) 587-3672 Fax (502) 540-2223 E-mail hnm@gdm.com

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PUBLIC SERVICE  
COMMISSION

*Via Hand Delivery*

August 30, 2007

Beth O'Donnell  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40602-0615

Re: *In The Matter Of: A Certification Of The Carriers Receiving Federal Universal Service High-Cost Support, Administrative Case No. 381*

Dear Ms. O'Donnell:

Enclosed herewith please find for filing with the Commission the original and ten (10) copies of the Petition Of American Cellular Corporation For Confidential Treatment in the above styled matter with attached Affidavit Of Phillip J. Giachino In Support Of Petition For Confidential Treatment.

As noted in the Petition for Confidential Treatment, ACC is filing its original Summary of Potential Capital Projects ("Confidential Attachment A-1") with its original Petition and providing a redacted notice with all copies of the Petition for Confidential Treatment.

Also, as noted in ACC's Petition for Confidential Treatment, ACC is filing the original and ten (10) copies of its Eligible Telecommunications Carrier Certification And Report Of American Cellular Corporation (SAC 269905) before September 1, 2007 as required by the Commission's previous Order in this case. The original and all copies of ACC's Certification and Report also contain a redacted notice of Confidential Attachment A-1.

Please do not hesitate to contact the undersigned should you have any questions concerning this filing.

Sincerely,

Holland N. McTyeire, V

HNM/jh  
Enclosures  
cc: Phillip J. Giachino  
Philip R. Schenkenberg

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COMMONWEALTH OF KENTUCKY  
BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION

RECEIVED  
AUG 30 2007  
PUBLIC SERVICE  
COMMISSION

IN THE MATTER OF:

A CERTIFICATION OF THE CARRIERS  
RECEIVING FEDERAL UNIVERSAL SERVICE  
HIGH-COST SUPPORT

ADMINISTRATIVE CASE NO. 381

\* \* \* \* \*

**PETITION OF AMERICAN CELLULAR CORPORATION  
FOR CONFIDENTIAL TREATMENT**

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Petitioner, American Cellular Corporation (“ACC”), through counsel, pursuant to KRS 61.870, KRS 65.7639, and 807 KAR 5:001 Section 7, hereby submits its Petition for Confidential Treatment. The grounds in support of ACC’s Petition are set forth below.

In this Petition, ACC is seeking Confidential Treatment for certain information attached to its Certification and Report required by the Commission’s September 24, 2001 Order herein as well as the Commission’s August 15, 2005 Order in Case No. 2005-00130 styled *In the matter of: American Cellular Corporation Petition For Designation As A Competitive Eligible Telecommunications Carrier Pursuant To Section 214(E) Of The Telecommunications Act Of 1996*. ACC is providing the original of its Summary of Potential Capital Projects (“Confidential Attachment A-1”), consisting of four pages attached only to the original of this Petition for Confidential Treatment and marked in red ink as “Proprietary Information.” ACC is providing a one-page document identified as “Confidential Attachment A-1” which notes that it contains “Confidential Data” for the Commission to place in its files which are available for public inspection. The redacted document is also attached to the Eligible Telecommunications Carrier Certification And Report Of American Cellular Corporation (SAC 269905) filed herewith.

Although not required by the Commission's rules and regulations, ACC is also submitting the Affidavit Of Phillip J. Giachino In Support Of Petition For Confidential Treatment in support of this Petition (referred to hereafter as "Giachino Affidavit").

KRS 61.870 requires that public agencies within the Commonwealth make available for inspection all public records. Certain exceptions to that general requirement are contained in KRS 61.878 and KRS 61.878(1)(c), which provide an exemption for certain commercial information. In order to qualify for an exemption under these sections, a party must demonstrate that disclosure of such commercial information would permit an unfair commercial advantage to its competitors unless the information is afforded Confidential Protection. The procedure for requesting Confidential Treatment from the Commission is outlined in 807 KAR 5:001 Section 7.

All of the information contained in ACC's Summary of Potential Capital Projects and Service Improvement Update is proprietary commercial information as recognized by KRS 65.7639 and the Commission's January 24, 2000 Order in Case No. 99-184 styled In the Matter of: *ACC Of Kentucky LLC's Petition For Confidential Protection*. See Giachino Affidavit, pp. 1-2, ¶ 4. Accordingly, pursuant to KRS 61.878(1)(c), ACC requests that the Commission afford Confidential Treatment to ACC's Summary of Potential Capital Projects and Service Improvement Update.

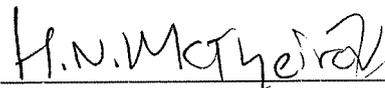
ACC's Summary of Potential Capital Projects and Service Improvement Update would provide competitors and potential competitors with important information about ACC and its operations, which competitors would be unable to obtain otherwise. *Id.* Armed with this information, a competitor could develop entry, marketing, or other strategies, which would likely ensure it success in competing with ACC. *Id.* Further, in a competitive market, any information

gained about a competitor can be used to that competitor's detriment. *Id.* at p. 2, ¶ 5. Such an unfair competitive advantage skews the marketplace and prevents the development of true competition to the ultimate detriment of the consumer.

Disclosure of the Confidential Information contained in ACC's Summary of Potential Capital Projects and Service Improvement Update would be detrimental to ACC because it contains data that is not otherwise available to ACC's competitors. *Id.* at pp. 1-2, ¶¶ 4-5. The information sought to be protected herein is not generally known outside ACC, nor is it provided to the public. *Id.* at p. 2, ¶ 6. Its internal use is restricted to only those employees who have a legitimate business reason for reviewing such information, and ACC attempts to control the dissemination of this information through all reasonable means, including the filing of this Petition. *Id.* Indeed, by granting ACC's Petition, the public interest will be served because competition will be enhanced. Finally, the Commission has recognized in its January 24, 2000 Order in Case No. 99-184 that information of this type, previously submitted by ACC is entitled to Confidential Treatment.

Wherefore, ACC respectfully requests that the Commission issue an Order granting Confidential Treatment to ACC's Summary of Potential Capital Projects and Service Improvement Update.

Respectfully submitted this the 30<sup>th</sup> day of August, 2007.



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Holland N. McTyeire, V

GREENEBAUM DOLL & MCDONALD PLLC  
3500 National City Tower  
Louisville, KY 40202  
Telephone: (502) 587-3672  
Facsimile: (502) 540-2223  
E-mail: [hnm@gdm.com](mailto:hnm@gdm.com)

and

Mark J. Ayotte (MN 166315)  
Matthew A. Slaven (MN 288226)

BRIGGS AND MORGAN, P.A.  
2200 IDS Center  
80 South Eighth Street  
Minneapolis, Minnesota 55402  
Telephone: (612) 977-8400  
Facsimile: (612) 977-8650  
E-mail: [mayotte@briggs.com](mailto:mayotte@briggs.com)  
[msslaven@briggs.com](mailto:msslaven@briggs.com)

COUNSEL FOR AMERICAN CELLULAR  
CORPORATION