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Attorney At Law

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PUBLIC SERVICE
COMMISSION

August 29, 2008

Ms. Stephanie Stumbo
Executive Director
Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602

Re: A Certification of the Carriers Receiving Universal Service High-Cost Support,
Administrative Case 381

Dear Ms. Stumbo:

The Commission's September 25, 2001 Order in Administrative Case 381 requires that recipients of Federal Universal Service High-Cost Support provide information to the Commission by September 1 of each year regarding the use of those funds. The Commission, in turn, must certify to the FCC pursuant to the state certification process set out in 47 C.F.R. §54.313 that such funds are used appropriately.

Enclosed for filing are the Eligible Telecommunications Carrier Certification and Report of New Cingular Wireless PCS LLC ("AT&T Mobility") and American Cellular Corporation (SAC 269905). Attachment A-1 to the Certification contains confidential material, and pursuant to 807 KAR 5:001; §7, AT&T Mobility files herewith its Petition for Confidential Treatment requesting that the Commission afford confidentiality to that material. Also attached is an Affidavit of Jim Thorpe in Support of the Petition for Confidential Treatment. One proprietary copy and 10 edited copies of this material are filed with the Commission.

Should you wish any further information, please do not hesitate to contact me.

Sincerely,



Cheryl R. Winn
Counsel for New Cingular Wireless
PCS LLC ("AT&T Mobility") and
American Cellular Corporation

Enclosures

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**COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION**

IN THE MATTER OF:

A CERTIFICATION OF THE CARRIERS) ADMINISTRATIVE CASE NO. 381
RECEIVING FEDERAL UNIVERSAL SERVICE)
HIGH COST SUPPORT)

* * * * *

**PETITION OF NEW CINGULAR WIRELESS, LLC (AT&T MOBILITY) AND
AMERICAN CELLULAR CORPORATION (SAC 269905) FOR CONFIDENTIAL
TREATMENT**

Petitioner, New Cingular Wireless PCS, LLC (“AT&T Mobility”),¹ through counsel, pursuant to KRS 61.870, KRS 65.7639, and 807 KAR 5:001 Section 7, hereby submits its Petition for Confidential Treatment for AT&T Mobility and American Cellular Corporation (collectively, “the Company”). The grounds in support of this Petition are set forth below.

In this Petition, the Company is seeking Confidential Treatment for certain information attached to its Certification and Report required by the Commission’s September 25, 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*. The Company is providing the original of its Summary of Potential Capital Projects (“Confidential Attachment A-1”), consisting of one page attached only to the original of this Petition for Confidential Treatment and marked in red ink as “Proprietary Information.” The

¹ On April 14, 2008, the Commission approved the request of New Cingular Wireless PCS, LLC (“AT&T Mobility”) to transfer the ETC designation of American Cellular Corporation (“ACC”) to AT&T Mobility for those areas in which ACC was previously designated as an ETC and which the FCC did not order AT&T Mobility to divest. The Commission further ordered that ACC will remain the designated ETC in KY-6 and KY-8 until it divests itself of those areas. *In the Matter of New Cingular Wireless PCS, LLC (“AT&T Mobility”) Notice of Acquisition and Request for Transfer of Eligible Telecommunications Carrier Designation*, Case No. 2008-00077, Ordering Paragraph 2 and 3.

Company 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 New Cingular Wireless PCS, LLC (AT&T Mobility) and American Cellular (SAC 269905) filed herewith. The Company is also submitting the Affidavit of Jim Thorpe In Support of Petition for Confidential Treatment in support of this Petition (referred to hereafter as “Thorpe 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 the Company’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*. Accordingly, pursuant to KRS 61.878(1)(c), the Company requests that the Commission afford Confidential Treatment to the Company’s Summary of Potential Capital Projects and Service Improvement Update.

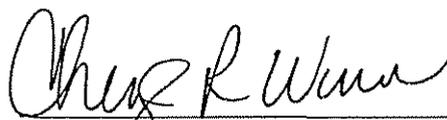
The Company’s Summary of Potential Capital Projects and Service Improvement Update would provide competitors and potential competitors with important information about the Company and its operations, which competitors would be unable to obtain otherwise. Thorpe *Affidavit*, ¶4. Armed with this information, a competitor could develop entry, marketing, or other strategies, which would likely ensure it success in competing with the Company. 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 the Company's Summary of Potential Capital Projects and Service Improvement Update would be detrimental to the Company because it contains data that is not otherwise available to the Company's competitors. *Id.* at pp. ¶4. The information sought to be protected herein is not generally known outside the Company, nor is it provided to the public. *Id.* at ¶ 6. Indeed, by granting this 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 American Cellular is entitled to Confidential Treatment.

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

Respectfully submitted this the 29th day of August, 2008.



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**COUNSEL FOR NEW CINGULAR
WIRELESS PCS, LLC ("AT&T
MOBILITY") AND AMERICAN
CELLULAR CORPORATION**

COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

A CERTIFICATION OF THE CARRIERS) ADMINISTRATIVE CASE NO 381
RECEIVING FEDERAL UNIVERSAL SERVICE)
HIGH-COST SUPPORT)

AFFIDAVIT OF JIM THORPE IN SUPPORT OF
PETITION OF NEW CINGULAR WIRELESS PCS, LLC ("AT&T MOBILITY") AND
AMERICAN CELLULAR CORPORATION (SAC 269905) FOR
CONFIDENTIAL TREATMENT

Jim Thorpe being first duly sworn on oath, states as follows:

1. I currently serve as a Vice President / General Manager for AT&T Mobility. In this capacity I have personal knowledge of the matters set forth in this affidavit and am authorized to make this affidavit on behalf of New Cingular Wireless PCS, LLC ("AT&T Mobility") and American Cellular Corporation (collectively, "the Company").
2. AT&T Mobility¹ is requesting confidential treatment for its proposed filing of a spreadsheet describing the location of the Company's cell sites, proposed service improvement projects and the estimated locations and costs associated with such improvements (**Confidential Attachment A-1**).
3. This exhibit contains proprietary information that would aid competitors of AT&T Mobility and such trade secret information is subject to protection from disclosure pursuant to Kentucky law See KRS 61 870, *et seq*

¹ On April 14, 2008, the Commission approved the request of New Cingular Wireless PCS, LLC ("AT&T Mobility") to transfer the ETC designation of American Cellular Corporation ("ACC") to AT&T Mobility for those areas in which ACC was previously designated as an ETC and which the FCC did not order AT&T Mobility to divest. The Commission further ordered that ACC will remain the designated ETC in KY-6 and KY-8 until it divests itself of those areas. *In the Matter of New Cingular Wireless PCS, LLC ("AT&T Mobility") Notice of Acquisition and Request for Transfer of Eligible Telecommunications Carrier Designation*, Case No. 2008-00077, Ordering Paragraph 2 and 3.

4. The specific exhibit AT&T Mobility proposes to file would reveal proprietary information regarding the Company's network infrastructure, build out plans and operating costs. This information constitutes a trade secret because it is commercial information, that, if disclosed, could cause substantial competitive harm to AT&T Mobility. This information is either not publicly available or not generally available in this format. It would be difficult (or impossible) for someone to discover this information from other sources. If this information were available to competitors in this format, they could use it to the competitive detriment of AT&T Mobility.

5. Wireless providers, like AT&T Mobility, operate in a highly competitive marketplace where such proprietary information is closely guarded to ensure it is not disclosed to competitors.

6. This information is protected internally by the Company as proprietary information.

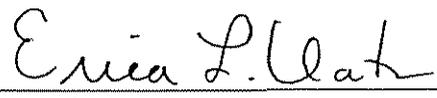

Jim Thorpe, Vice President/General Manager

TENNESSEE
STATE OF ~~KENTUCKY~~)
)
COUNTY OF WILLAMSON)

Subscribed and sworn to before me by Jim Thorpe as Vice President / General Manager of AT&T Mobility this 28TH day of August 2008.

My commission expires: MAY 8, 2012




Notary Public

COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

A CERTIFICATION OF THE CARRIERS) ADMINISTRATIVE CASE NO. 381
RECEIVING FEDERAL UNIVERSAL SERVICE)
HIGH-COST SUPPORT)

ELIGIBLE TELECOMMUNICATIONS CARRIER CERTIFICATION AND
REPORT OF NEW CINGULAR WIRELESS PCS LLC ("AT&T MOBILITY") AND
AMERICAN CELLULAR CORPORATION (SAC 269905)

responsible for making the requisite filings for the entire 269905 SAC which includes KY-6 and KY-8.

3. To enable the Company to receive federal high-cost universal service support in calendar year 2009, the Commission is required to certify the Company's use of support for SAC 269905 to the Federal Communications Commission ("FCC") and the Universal Service Administrative Company ("USAC") on or before October 1, 2008. On September 25, 2001, the Commission issued an order in Administrative Case No. 381 requiring all ETCs to file with the Commission their plans for the use of any high-cost federal universal service support they receive on or before September 1 of each calendar year.

4. As set forth in the Commission's ETC Designation Order, on or before September 1 of each year, the Company is further required to file the following additional information with the Commission: (a) records and documentation detailing the Company's progress towards meeting its build-out plans; (b) the number of complaints per 1,000 handsets; and (c) information detailing the number of unfulfilled requests for the past year.

5. Based on USAC's most recent projections, the Company currently estimates that it will receive approximately \$2.6 million in federal high-cost universal service support in 2009. The actual amount of support distributed to the Company may vary from this estimate as universal service support levels change over time and the FCC has recently ordered that the total annual competitive ETC ("CETC") support for each state will be capped at the level of support that CETCs were eligible to receive during March 2008 on an annualized basis.² Consistent with the Company's 2008 expenditures to date, the Company expects that its capital investments, maintenance and operating expenses will far exceed the amount of federal high-cost universal service support the Company receives in 2008.

² See *In the Matter of High-Cost Universal Service Support, Federal-State Joint Board on Universal Service, Alltel Communications, Inc. et al Petitions for Designation as Eligible Telecommunications Carriers. RCC Minnesota, Inc and RCC Atlantic, Inc New Hampshire ETC Designation Amendment, Order*, WC Docket No. 05-337 and CC Dkt No. 96-45 (rel. May 1, 2008).

6. Accordingly, the Company hereby certifies that all federal high-cost universal service support that it receives during the 2009 calendar year will be used only for the provision, maintenance and upgrading of facilities and services for which the support is intended pursuant to Section 254(e) of the Federal Telecommunications Act, 47 U.S.C. § 254(e).

A. Service Improvement Progress Report

7. Since its designation as an ETC, the Company has continued to identify facility construction projects intended to expand network coverage within its designated service area. Attached as **Confidential Attachment A-1** is a summary of the types of facilities, locations, estimated budget and deployment dates for each of these service improvements.

8. The Company has also identified several new signal quality or capacity projects that will improve service within its designated service areas. These signal quality or capacity projects are described in **Confidential Attachment A-1**, including the locations, estimated budgets and deployment dates for each of the improvements.

9. Since it began providing service in Kentucky, the Company has developed a robust network and currently provides service to a substantial number of subscribers within its designated service areas. Pursuant to 47 U.S.C. § 254(e), the Company will continue utilize the federal high-cost universal service support it receives to maintain, upgrade and operate these network facilities consistent with the universal service objective of providing quality telecommunications services.

B. Requests for Service

11. The Commission's ETC Designation Order provides that the Company is to annually report the number of requests for service from potential customers within its designated ETC service area that were unfulfilled. The Company has adopted the calendar year as the time period for purposes of meeting the September 1 filing deadline. Accordingly, for the time period January 1, 2007 through December 31, 2007, the Company experienced one request for service that the Company was unable to satisfy. After following its six-step process for evaluating

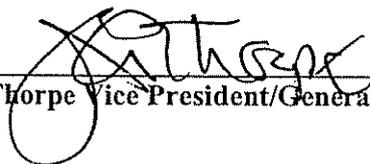
requests for service, the Company determined that the only way to provide service to the requesting customer was by constructing a new cell site. The Company further determined that such a cell site could not be put in service at a reasonable cost and within a reasonable time.

C. Complaints Per 1,000 Handsets

12. The Company is also required to annually report the number of complaints per 1,000 handsets. The Company has adopted the calendar year as the time period for purposes of meeting a September 1 filing deadline. For the time period January 1, 2007 through December 31, 2007, the Company received .33 complaints per 1,000 handset within its designated ETC service areas from the Commission, the Office of the Kentucky Attorney General or the Better Business Bureau.

The matters addressed above are within my personal knowledge and are true and correct.

AT&T Mobility



Jim Thorpe Vice President/General Manager

Subscribed and sworn to before me
this 28TH day of August, 2007.



Notary Public

My Commission expires: MAY 8, 2012



My Commission Expires MAY 8, 2012

Seal

CONFIDENTIAL ATTACHMENT A-1

KY ETC Plan 2009

Site Name	Category	Estimated Capital	Est 2009 Lease Expense	Est 2009 Connection Expense	Est 2009 Utilities Expense	Est. Total ETC Dollars Spent	Service Improvement	Wire_Center	Exchange	County/State
							Coverage/Capacity/Quality	LRBGKYMA	LAWRENCEBURG	Anderson, KY
							Coverage/Capacity/Quality	BRTWKYES	BARDSTOWN	Nelson, KY
							Coverage/Capacity/Quality	BRTWKYES	BARDSTOWN	Nelson, KY
							Coverage/Capacity/Quality	BOVLKYXA	BONNIEVL	Hart, KY
							Coverage/Capacity/Quality	LBNNKYXA	LEBANON	Marion, KY
							Coverage/Capacity/Quality	CMVLKYXA	CAMPBELLSVILLE	Taylor, KY
							Coverage/Capacity/Quality	LBNNKYXA	Lebanon	Marion, KY
							Coverage/Capacity/Quality	CLMAKYXA	COLUMBIA	Adair, KY
							Coverage/Capacity/Quality	TYVLKYMA	Taylorsville	Spencer, KY
							Coverage/Capacity/Quality	CLMAKYXA	COLUMBIA	Adair, KY
							Coverage/Capacity/Quality	MNTIKYXA	MONTICELLO	Wayne, KY
							Coverage/Capacity/Quality	STRNKYXA	STNSWHLYCY	McCreary, KY
							Coverage/Capacity/Quality	ALBYKYXA	ALBANY	Clinton, KY
							Coverage/Capacity/Quality	SPFDKYMA	MOORESVILLE	Washington, KY
							Coverage/Capacity/Quality	BRTWKYES	BARDSTOWN	Nelson, KY
							Coverage/Capacity/Quality	LRBGKYMA	LAWRENCEBURG	Anderson, KY
							Continuing Service Operating Expense	LBNNKYXA	LEBANON	Marion, KY
							Coverage/Capacity/Quality	MNTIKYXA	MONTICELLO	Wayne, KY
							Continuing Service Operating Expense	HGVLYXA	HODGENVILLE	Larue, KY
							Coverage/Capacity/Quality	STRNKYXA	STNSWHLYCY	McCreary, KY
							Coverage/Capacity/Quality	CMVLKYXA	CAMPBELLSVILLE	Taylor, KY
							Continuing Service Operating Expense	SPFDKYMA	MOORESVILLE	Washington, KY
							Continuing Service Operating Expense	BRTWKYES	BARDSTOWN	Nelson, KY
							Continuing Service Operating Expense	ALBYKYXA	ALBANY	Clinton, KY
							Continuing Service Operating Expense	ALBYKYXA	ALBANY	Clinton, KY
							Coverage/Capacity/Quality	SPFDKYMA	MOORESVILLE	Washington, KY
							Continuing Service Operating Expense	EZTWKYXA	ELIZABETHTOWN	Hardin, KY
							Coverage/Capacity/Quality	BRTWKYES	BARDSTOWN	Nelson, KY
							Continuing Service Operating Expense	MNTIKYXA	MONTICELLO	Wayne, KY

EDITED