



Steven L. Beshear
Governor

Leonard K. Peters
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
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David L. Armstrong
Chairman

James W. Gardner
Vice Chairman

John W. Clay
Commissioner

March 30, 2009

Hon. Mark R. Overstreet
Stites & Harbison, PLLC
421 West Main Street
P.O. Box 634
Frankfort, Kentucky 40602

Re: Kentucky ALLTEL, Inc. - Petition for Confidential Treatment received May 28,
2004 PSC Reference – Admin. Case No. 382

Dear Mr.Overstreet:

Please find enclosed a copy of your Petition for Confidential Treatment in the above styled case and the Commission's response. I regret the Commission's untimely response to your Petition. In the confusion of several retirements in 2008, a group of Petitions was left unanswered. We are responding to these Petitions for Confidential Treatment as fast as possible. As we work our way through the Petitions, you may receive additional outdated responses and thank you for your patience.

To correct the situation, we have established an electronic logging system so that we avoid a recurrence. I apologize for any inconvenience this may have caused you or your client. Please contact me should you have any questions with regard to any Petitions for Confidential Treatment.

Sincerely,

A handwritten signature in black ink, appearing to read "Helen C. Helton".

Helen Helton
General Counsel

kg/



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Re: Kentucky ALLTEL, Inc. - Petition for Confidential Treatment received May 28, 2004 PSC Reference – Admin. Case No. 382

Dear Mr. Overstreet:

The Public Service Commission has received the Petition for Confidential Treatment your predecessor, James H. Newberry, Jr. filed on May 28, 2004 on behalf of Kentucky ALLTEL, Inc., to protect certain information filed with the Commission as confidential under Section 7 of 807 KAR 5:001 and KRS 61.870 et. seq. The information sought to be treated as confidential is identified as Kentucky ALLTEL's Response to the Commission's Date Request issued on May 7, 2004 in the above captioned case. Your justification for having the Commission handle this material as confidential was that the material was proprietary information the disclosure of which would be commercially disadvantageous to ALLTEL.

Based on a review of the information and pursuant to KRS 61.878 and 807 KAR 5:001, Section 7, the Commission has determined that only **portions** of the information supplied **meet the criteria for confidential protection**, and will be afforded confidential treatment, while other portions **do not meet the criteria** and are hereby **DENIED**. The items either granted or denied confidential treatment are listed below:

Item #1: Does not meet the criteria and therefore is **DENIED**.

Item #2: **GRANTED ONLY** as to the Results of Cost Study, Variance Amounts and Variance Percent. All other portions of Item #2 are hereby **DENIED**

Item #3: **GRANTED ONLY** as to Columns e, f & i. All remaining portions of Item #3 are hereby **DENIED**.

Item #4: GRANTED ONLY as to columns b, d & e. All remaining portions of Item #4 are hereby **DENIED**.

Item #5: GRANTED ONLY as to the numbers. All remaining portions of Item #5 are hereby **DENIED**.

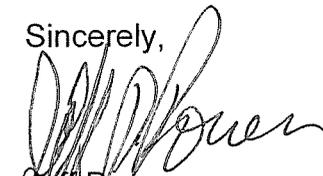
Item #6; Item #7; Item #8 and Item #9: Do not meet the criteria and therefore are **DENIED**.

If the information held to be confidential becomes publicly available or no longer warrants confidential treatment, Kentucky ALLTEL, Inc. is required by Section 8(9)(a) of 807 KAR 5:001 to inform the Commission so that the information may be placed in the public record.

The information denied confidential treatment will be withheld from public inspection for 20 days from the date of this letter in accordance with 807 KAR 5:001. If you disagree with the Commission's decision, you may seek a rehearing with the Commission within 20 days of the date of this letter under the provisions of KRS 278.400.

The materials filed with the Commission did **not** include a redacted copy of the materials for which confidentiality was sought as required. Thus, you must file a redacted copy of all of the materials within the 20 days in order for the material granted confidentiality to be withheld from the public record or to remain confidential pending a review of any rehearing petition. A failure to do so will result in **all** of the materials being made a matter of public record.

Sincerely,



Jeff Derouen
Executive Director

kg/

Brady

RECEIVED

MAY 28 2004

PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INQUIRY INTO THE DEVELOPMENT)
OF DEAVERAGED RATES FOR) ADM. CASE NO. 382
UNBUNDLED NETWORK ELEMENTS)

KENTUCKY ALLTEL, INC.'S RESPONSE TO
COMMISSION STAFF DATA REQUESTS AND
PETITION FOR CONFIDENTIAL TREATMENT

Kentucky ALLTEL, Inc. ("Kentucky ALLTEL") files this Response and Petition for Confidential Treatment in order to respond to the Data Requests issued on May 7, 2004 by the Commission Staff:

RESPONSE

1. Pursuant to the Commission's November 7, 2003 Order, Kentucky ALLTEL subsequently filed, under confidential seal, Kentucky ALLTEL's complete UNE Cost Study including supporting inputs, resulting rates, and supporting documentation.
2. Each of Kentucky ALLTEL's filings in this matter with respect to costs and rates for unbundled local switching has been provided under protest and without waiving Kentucky ALLTEL's lawful rights and objections. Similarly, Kentucky ALLTEL's Response to Commission Staff's Data Requests with respect to unbundled local switching are provided under protest and without waiving said lawful rights and objections.

PETITION FOR CONFIDENTIAL TREATMENT

3. Pursuant to K.R.S. §61.878(1)(c)(1) and 807 KAR 5:001, Section 7, Kentucky ALLTEL requests that the attached responses to Commission Staff's Data Requests

regarding Kentucky ALLTEL's UNE Cost Study ("Responses to Commission Staff Data Requests") be accorded confidential treatment.

4. The Responses to Commission Staff Data Requests were developed internally by ALLTEL Communications, Inc. ("ALLTEL") at its own expense. ALLTEL's Cost Department devoted substantial resources to developing and compiling the Responses to Commission Staff Data Requests, which are treated as highly confidential by ALLTEL and its affiliates. The Responses to Commission Staff Data Requests have not been released publicly and are disclosed internally within ALLTEL on a need-to-know basis only and only to outside parties who have entered into an appropriate nondisclosure agreement with ALLTEL.

5. The Responses to Commission Staff Data Requests include specific data which Kentucky ALLTEL is providing only to Commission Staff pursuant to this confidentiality agreement or enforceable order according the documentation confidential treatment and only to authorized outside parties pursuant to their execution of an appropriate protective agreement.

6. ALLTEL and its affiliates employ all reasonable measures to protect the confidentiality of the Responses to Commission Staff Data Requests and to guard against inadvertent, unauthorized disclosure.

7. K.R.S. §61.878(1)(c)(1) provides in pertinent part:

The following public records are excluded from the application of ...[the Open Records Act] and shall be subject to inspection only upon order of a court of competent jurisdiction ...

(c)1. ...records confidentially disclosed to an agency or required by an agency to 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.

8. Public disclosure of the Responses to Commission Staff Data Requests would provide entities offering local exchange or other telecommunications services an unfair competitive advantage by affording them access to Kentucky ALLTEL's valuable costing information which they could then use to plan unwarranted market entry or competitive strategies to the detriment of Kentucky ALLTEL. Outside entities gaining access to the information pursuant to a protective agreement have agreed not to use the information for any such marketing or competitive purposes. Public disclosure of the information also would allow all entities to infringe upon ALLTEL's rights with respect to its intangible personal property in the form of the UNE model which was developed at ALLTEL's sole expense. Information included in the Responses to Commission Staff Data Requests is generally considered confidential and proprietary in the telecommunications industry.

9. The Responses to Commission Staff Data Requests are also protected from disclosure pursuant to K.R.S. §61.878(1)(c)(2)(c) as a confidential and proprietary record disclosed to the Commission in conjunction with the regulation of a commercial enterprise.

10. Kentucky ALLTEL and its affiliates have taken all reasonable steps to prevent the dissemination of the confidential information in the Responses to Commission Staff Data Requests outside of Kentucky ALLTEL, its parent corporation and affiliates, and any outside parties authorized under an appropriate protective agreement.

11. Nondisclosure of the Responses to Commission Staff Data Requests would not be detrimental to the policy objectives of the Kentucky Open Records Act and instead would actually serve the public interest by promoting fair competition.

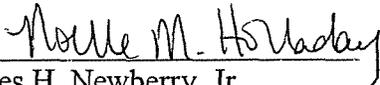
12. An original and four unredacted copies of the Responses to Commission Staff Data Requests are being filed herewith, and unredacted copies are being provided to AT&T Communications, Inc. and NuVox Communications, Inc., each of which has executed a protective agreement with Kentucky ALLTEL. Due to the highly confidential nature of the documentation, Kentucky ALLTEL requests that the documentation be considered proprietary and confidential and not be duplicated.

WHEREFORE, Kentucky ALLTEL respectfully requests that the Commission grant this Response and Petition for Confidential Treatment; afford the Responses to Commission Staff Data Requests confidential treatment and place same in the confidential files of the Commission; prohibit any party including Commission Staff from duplicating the documentation; and grant Kentucky ALLTEL all other relief to which it may be entitled including the right to withdraw its filing or cure any deficiencies in this Petition prior to any disclosure of the Responses to Commission Staff Data Requests.

Dated: May 28, 2004.

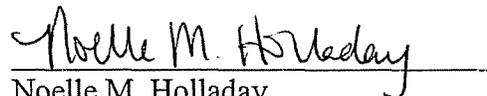
Respectfully submitted,

KENTUCKY ALLTEL, INC.

By: 
James H. Newberry, Jr.
Noelle M. Holladay
Attorney for Kentucky ALLTEL, Inc.
Wyatt, Tarrant & Combs, LLP
250 West Main Street, Suite 1600
Lexington, KY 40507
(859) 233.2012

CERTIFICATE OF SERVICE

I hereby certify that a notice with respect to the foregoing has been sent this 28th day of May, 2004 by first class mail, postage prepaid to the following parties of record in this matter. In addition, I certify that unredacted copies of same were served on Commission Staff and on Mr. Douglas F. Brent, AT&T and NuVox.


Noelle M. Holladay

William Adkinson Sprint Communications Company, L.P. Southeast Division 3100 Cumberland Circle Atlanta, GA 30339	Jonathon N. Amlung, Esq. 1000 Republic Bank Building 429 W. Muhammad Ali Blvd. Louisville, KY 40202	Sylvia Anderson AT&T 414 Union Street Suite 1830 Nashville, TN 37219
Martha Ross-Bain, Esq. AT&T Communications of the South Central States, LLC 1200 Peachtree Street, N.E., Suite 8100 Atlanta, GA 30309	Gene Baldrate - Regulatory Affairs Mark Romito - Gov't Relations Cincinnati Bell Telephone 201 East Fourth Street P.O. Box 2301 Cincinnati, OH 45201-2301	Honorable Susan J. Berlin Secretary/Treasurer MCI WorldCom 6 Concourse Parkway Suite 3200 Atlanta, GA 30328
Honorable Joshua L. Bobeck Honorable Russell L. Blau Swindler, Berlin, Shereff & Friedman 3000 K. Street, N.W., Suite 300 Washington, D.C. 20007	Honorable Catherine F. Boone Regional Counsel COVAD Communications Company 10 Glenlake Parkway Atlanta, GA 30328	Honorable Ann Louise Chevront Assistant Attorney General 1024 Capital Center Drive Frankfort, KY 40601
Honorable Norton Cutler Attorney-at-Law BlueStar Networks, Inc. 5 Corporate Centre 801 Crescent Centre Drive Suite 600 Franklin, TN 37067	Julie L. Davis Regulatory Manager MCI Metro Access Transmission Services, Inc. 6 Concourse Parkway Suite 3200 Atlanta, GA 30328	Honorable Joseph E. Donovan Attorney-at-Law O'Keefe, Ashenden, Lyons & Ward 30 North LaSalle, Suite 4100 Chicago, IL 60602
Honorable Richard D. Gary Hunton & Williams Riverfront Plaza, East Tower 951 East Byrd Street Richmond, VA 23219	C. Kent Hatfield, Esq. Douglas F. Brent, Esq. Stoll, Keenon & Park, LLP 2650 AEGON Center 400 West Market Street Louisville, KY 40202	Honorable John N. Hughes Attorney-at-Law 124 West Todd Street Frankfort, KY 40601
Carol Keith Director, Regulatory and Public Affairs NuVox Communications, Inc. 16090 Swingley Ridge Road Chesterfield, MO 63017	Honorable Jeremy Marcus Attorney-at-Law Blumenfeld & Cohen Suite 300 1625 Massachusetts Avenue, N.W. Washington, D.C. 20036	Honorable Brent E. McMahan VP - Regulatory & Gov.'t Affairs Network Telephone Corporation 815 S. Palafox Street Pensacola, FL 32501

<p>Rob McMillin New Edge Network, Inc. d/b/a New Edge Networks 3000 Columbia House Blvd. Suite 106 Vancouver, WA 98661</p>	<p>Honorable Holland N. McTyeire, V, Esq. Greenebaum Doll & McDonald, PLLC 3300 National City Tower 101 South Fifth Street Louisville, KY 40202-3197</p>	<p>Honorable Creighton E. Mershon Attorney-at-Law BellSouth Telecommunications, Inc. 601 West Chestnut Street, 4NE P.O. Box 32410 Louisville, KY 40232</p>
<p>John Spilman Directory - Regulatory Affairs Broadslate Networks, Inc. 675 Peter Jefferson Parkway Suite 310 Charlottesville, VA 22911</p>	<p>Honorable Richard M. Sullivan Attorney-at-Law Conliffe, Sandmann & Sullivan 2000 Waterfront Plaza 325 West Main Street Louisville, KY 40202</p>	<p>Kenneth Woods, Esq. MCI 6 Concourse Parkway Suite 3200 Atlanta, GA 30328</p>
<p>Jeffrey E. Yost Jackson & Kelly 175 East Main Street P.O. Box 2150 Lexington, KY 40588</p>	<p>Douglas F. Brent Stoll, Keenon & Park 2650 Aegon Center 400 West Market Street Louisville, KY 40202</p>	<p>Martha N. Ross-Bain AT&T 1200 Peachtree Street, Suite 8100 Atlanta, GA 30309</p>

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