

June 11, 2004

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**PUBLIC SERVICE
COMMISSION**

Ms. Beth O'Donnell
Executive Director
Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602

RE: Inquiry into the Development of Deaveraged Rates for Unbundled
Network Elements; Administrative Case No. 382

Dear Ms. O'Donnell:

Enclosed for filing are an original and four unredacted copies of Kentucky ALLTEL's Responses to Nuvox's Data Requests and Petition for Confidential Treatment. As Commission Staff had requested an original and four unredacted copies of the responses, same are being provided, although each of the copies is itself considered highly proprietary and confidential in its entirety and is not to be duplicated in any way.

Given the confidential nature of this filing and considering that the Responses are redacted in their entirety, redacted copies are not being mailed to the parties on the service list. Rather, parties are being notified of this filing by copy of this letter. Unredacted copies, however, are being provided to carriers who have previously executed appropriate protective agreements with Kentucky ALLTEL.

Thank you for your cooperation in this matter. Please do not hesitate to contact me with any questions you may have.

Sincerely,

WYATT, TARRANT & COMBS, LLP

Noelle M. Holladay

Noelle M. Holladay

Enclosures

cc: Parties on Service List
Kimberly Bennett
James T. Meister
James H. Newberry, Jr.



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**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
PETITION FOR CONFIDENTIAL TREATMENT**

Kentucky ALLTEL, Inc. ("Kentucky ALLTEL") files this Petition for Confidential Treatment of responses to the data requests issued May 21, 2004 by Nuvox:

1. 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 Nuvox's Data Requests regarding Kentucky ALLTEL's UNE Cost Study ("Responses to Nuvox Data Requests") be accorded confidential treatment.
2. The Responses to Nuvox 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 Nuvox Data Requests, which are treated as highly confidential by ALLTEL and its affiliates. The Responses to Nuvox 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.
3. The Responses to Nuvox Data Requests include specific data which Kentucky ALLTEL is providing only to Nuvox 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.

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

5. 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.

6. Public disclosure of the Responses to Nuvox 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 Nuvox Data Requests is generally considered confidential and proprietary in the telecommunications industry.



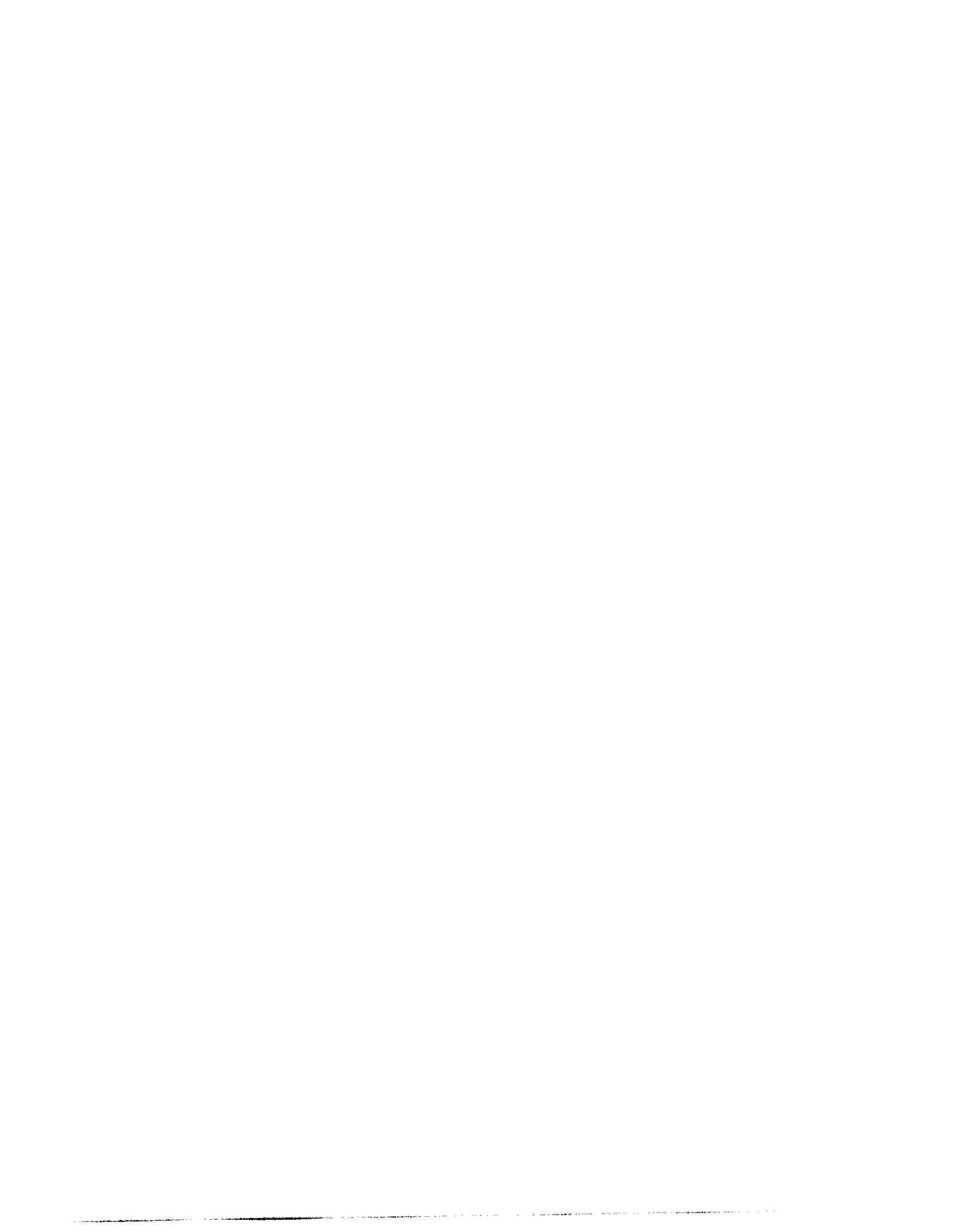
7. The Responses to Nuvox Data Requests are also protected from disclosure pursuant to K.R.S. §61.878(1)(c)(2)(c) as a confidential and proprietary record disclosed to the Commission in conjunction with the regulation of a commercial enterprise.

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

9. Nondisclosure of the Responses to Nuvox 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.

10. An original and four unredacted copies of the Responses to Nuvox 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 Nuvox Data Requests confidential treatment and place same in the confidential files of the Commission; prohibit any party including Nuvox 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 Nuvox Data Requests.



Dated: June 11, 2004.

Respectfully submitted,

KENTUCKY ALLTEL, INC.

By: Noelle M. Holladay

James H. Newberry, Jr.

Noelle M. Holladay

Attorney for Kentucky ALLTEL, Inc.

Wyatt, Tarrant & Combs, LLP

250 West Main Street, Suite 1600

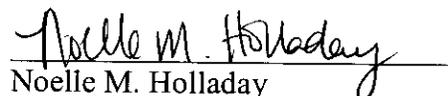
Lexington, KY 40507

(859) 233.2012



CERTIFICATE OF SERVICE

I hereby certify that a notice with respect to the foregoing has been sent this 11th day of June, 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

Honorable Susan J. Berlin
Secretary/Treasurer
MCI WorldCom
6 Concourse Parkway
Suite 3200
Atlanta, GA 30328

Honorable Catherine F. Boone
Regional Counsel
COVAD Communications Company
10 Glenlake Parkway
Atlanta, GA 30328

Honorable Norton Cutler
Attorney at Law
BlueStar Networks, Inc.
5 Corporate Centre
801 Crescent Centre Drive, Suite 600
Franklin, TN 37067

Honorable Richard D. Gary
Hunton & Williams
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

Rob McMillin
New Edge Network, Inc.
d/b/a New Edge Networks
3000 Columbia House Boulevard
Suite 106
Vancouver, WA 98661

Honorable Richard M. Sullivan
Attorney at Law
Conliffe, Sandmann & Sullivan
2000 Waterfront Plaza
325 West Main Street
Louisville, KY 40202

Sylvia Anderson
AT&T
414 Union Street
Suite 1830
Nashville, TN 37219

Honorable Ann Louise Cheuvront
Assistant Attorney General
1024 Capital Center Drive
Frankfort, KY 40601

Julie L. Davis
Regulatory Manager
MCI Metro Access Transmission
Services, Inc.
6 Concourse Parkway
Suite 3200
Atlanta, GA 30328

Honorable C. Kent Hartfield
Attorney at Law
Middleton & Reutlinger
2500 Brown & Williamson Tower
Louisville, KY 40202

Honorable Jeremy Marcus
Attorney at Law
Blumenfeld & Cohen
Suite 300
1625 Massachusetts Avenue, N.W.
Washington, D.C. 20036

Honorable Holland N. McTyeire, V
Attorney at Law
Greenebaum Doll & McDonald PLLC
3300 National City Tower
101 South Fifth Street
Louisville, KY 40202-3197

Jeffrey E. Yost
Jackson & Kelly
175 East Main Street
P. O. Box 2150
Lexington, KY 40588

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 Joshua L. Bobeck
Honorable Russell L. Blau
Swindler, Berlin, Shereff & Friedman
3000 K. Street, N.W., Suite 300
Washington, D.C. 20007

Honorable Joseph E. Donovan
Attorney at Law
O'Keefe, Ashenden, Lyons & Ward
30 North LaSalle, Suite 4100
Chicago, IL 60602

Honorable John N. Hughes
Attorney at Law
124 West Todd Street
Frankfort, KY 40601

Honorable Brent E. McMahan
VP – Regulatory & Gov't. Affairs
Network Telephone Corporation
815 S. Palafox Street
Pensacola, FL 32501

Honorable Creighton E. Mershon
Attorney at Law
BellSouth Telecommunications, Inc.
601 West Chestnut Street, 4NE
P. O. Box 32410
Louisville, KY 40232

John Spilman
Directory – Regulatory Affairs
Broadslate Networks, Inc.
675 Peter Jefferson Parkway
Suite 310
Charlottesville, VA 22911

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