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July 2, 2009

**VIA FEDERAL EXPRESS**

RECEIVED

JUL 06 2009

PUBLIC SERVICE  
COMMISSION

Mr. Jeff Derouen  
Executive Director  
Public Service Commission  
211 Sower Boulevard  
P. O. Box 615  
Frankfort, KY 40602

Re: BellSouth Telecommunications, Inc., d/b/a AT&T Kentucky, Complainant  
v. Brandenburg Telephone Company, Defendant, PSC 2006-00546

Dear Mr. Derouen:

Enclosed for filing in this case are the original and four (4) copies of BellSouth Telecommunication Inc.'s, d/b/a AT&T Kentucky ("AT&T Kentucky"), Responses to Brandenburg Telephone Company's ("Brandenburg") Supplemental Data Requests dated June 12, 2009.

A portion of the responses is confidential and, pursuant to 807 KAR 5:001, § 7, AT&T Kentucky files herewith its Petition for Confidentiality requesting that the Commission afford confidentiality to that material. Specifically, AT&T Kentucky requests confidential treatment of a portion of Exhibit 1 to its Response to Item 3. AT&T Kentucky also relies on its Petition for Confidentiality filed in this case on March 7, 2007, requesting confidentiality for an excerpt of the Exhibit described herein and several other responses.

In addition to portions of Exhibit 1 being confidential, the document is lengthy, close to 200 pages long. Since AT&T Kentucky is claiming that portions of the Exhibit are confidential, AT&T Kentucky is required to file a proprietary version and, in this case, four (4) copies of the redacted version of the document. This would entail AT&T Kentucky filing close to 4 reams of paper. For that reason, AT&T Kentucky is filing the Exhibit only on CDs – one CD containing the proprietary version of the document and four CDs containing the redacted version. AT&T Kentucky is serving one copy of the proprietary CD on Brandenburg. If the Commission wishes to have a paper copy of the document, AT&T Kentucky will be glad to provide a paper copy to the Commission.

Sincerely,

Mary K. Keyer

Enclosures

cc: Parties of Record

738400

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of: )  
)  
)  
BELLSOUTH TELECOMMUNICATIONS, INC. )  
)  
Complainant )  
)  
v. ) Case No.:  
) 2006-00546  
)  
BRANDENBURG TELEPHONE COMPANY )  
)  
Defendant )

BELLSOUTH TELECOMMUNICATIONS, INC.'S. D/B/A AT&T KENTUCKY,  
PETITION FOR CONFIDENTIALITY

Petitioner, BellSouth Telecommunications, Inc., d/b/a AT&T Kentucky ("AT&T Kentucky"), by counsel, hereby moves the Public Service Commission of the Commonwealth of Kentucky (the "Commission"), pursuant to KRS 61.878 and 807 KAR 5:001, § 7, to classify as confidential the highlighted information contained in AT&T Kentucky's Responses to Brandenburg Telephone Company's ("Brandenburg") Supplemental Data Requests, specifically Exhibit 1 to Item No. 3 ("Exhibit 1"), filed herewith in CD format. The material that is highlighted contains personal information or information that is specific to Brandenburg in the conduct of its business with AT&T Kentucky.

The Kentucky Open Records Act exempts certain information from the public disclosure requirements of the Act, including information of a personal nature and certain commercial information KRS 61.878(1)(a) and 61.878(1)(c)(1).

To qualify for the personal information exemption and, therefore, keep the information confidential, a party must establish that it is "...information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy..." KRS 61.878(1)(a); 807 KAR 5:001 § 7. Exhibit 1 contains personal calling number information and minutes of use. The information identified is personal information for which disclosure of such would "constitute a clearly unwarranted invasion of personal privacy,"<sup>1</sup> and should be protected as confidential.

To qualify for the commercial information exemption and, therefore, keep the information confidential, a party must establish that disclosure of the commercial information would permit an unfair advantage to competitors and the parties seeking confidentiality if openly discussed. KRS 61.878(1)(c)1; 807 KAR 5:001 § 7. The Commission has taken the position that the statute and rules require the party to demonstrate actual competition and the likelihood of competitive injury if the information is disclosed. Exhibit 1 contains customer-specific information regarding Brandenburg's processing of AT&T Kentucky's EMI records for a certain period of time, which is specific to Brandenburg in the conduct of its business with AT&T Kentucky.

The information provided in Exhibit 1 is considered confidential business information related to the competitive interests of AT&T Kentucky and Brandenburg that is proprietary and confidential to AT&T Kentucky and Brandenburg. These documents are not publicly available and disclosure of this data would impair the competitive business and cause harm to AT&T Kentucky and Brandenburg. Public disclosure of the identified information would provide competitors, namely CLECs and CMRS Providers, with an unfair competitive advantage.

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<sup>1</sup> *Kentucky Bd. Of Examiners v. Courier-Journal*, 826 S.W.2d 324, 327 (Ky. 1992).

The Commission should also grant confidential treatment to the information for the following reasons:

- (1) The information for which AT&T Kentucky is requesting confidential treatment is not known outside of AT&T Kentucky;
- (2) The information is not disseminated within AT&T Kentucky and is known only by those of AT&T Kentucky's employees who have a legitimate business need to know and act upon the information;
- (3) AT&T Kentucky seeks to preserve the confidentiality of this information through appropriate means, including the maintenance of appropriate security at its offices; and
- (4) By granting AT&T Kentucky's petition, there would be no damage to any public interest.

For the reasons stated herein, AT&T Kentucky respectfully requests that the Commission grant AT&T Kentucky's request for confidential treatment of Exhibit 1 to Item No. 3 of AT&T Kentucky's Responses to Brandenburg's Supplemental Data Requests.

Respectfully submitted,

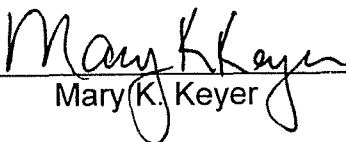
  
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COUNSEL FOR BELL SOUTH  
TELECOMMUNICATIONS, INC.,  
D/B/A AT&T KENTUCKY

**CERTIFICATE OF SERVICE -- KPSC 2006-00546**

It is hereby certified that a true and correct copy of the foregoing was served on the following individuals by Overnight Federal Express, this 2<sup>nd</sup> day of July, 2009.

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Holly C. Wallace  
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Mary (K.) Keyer

REQUEST: Please supplement Bellsouth's response to Brandenburg's Data Request No. 10 served on February 8, 2007 by providing any and all updated documentation, including call detail records, in the possession of BellSouth or its agents that either supports or refutes BellSouth's claim that BellSouth overpaid for terminating ACS Traffic.

RESPONSE: AT&T Kentucky has no updated documentation responsive to this request.

**REQUEST:** Please supplement Bellsouth's response to Brandenburg's Data Request No. 13 served on February 8, 2007 by providing any and all updated documentation, including call detail records, in the possession of BellSouth or its agents that either supports or refutes BellSouth's claim that BellSouth overpaid for Covered CMRS Provider Traffic.

**RESPONSE:** AT&T Kentucky has no updated documentation responsive to this request

**REQUEST:** Please provide the full spreadsheet identified in Bellsouth's March 7, 2007 response to Brandenburg's Data Request No. 13 served on February 8, 2007.

**RESPONSE:** The full spreadsheet was provided to Brandenburg via e-mail on October 12, 2005, and is being provided again pursuant to this request on a CD. The calling telephone number and minutes of use (MOU) contained in the spreadsheet are confidential and proprietary. Accordingly, AT&T Kentucky is simultaneously filing with this response a Confidentiality Petition pursuant to KRS 61.878 and pertinent regulations so the Kentucky Public Service Commission may enter an appropriate order to protect the confidential and proprietary information.