

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

Charles R. Borders  
Commissioner

July 1, 2010

Hon. Mary K. Keyer  
BellSouth Telecommunications, Inc.  
601 West Chestnut Street  
Room 407  
Louisville, KY 40202

Re: **Case No. 2006-00546**  
**Confidentiality Request dated August 24, 2009**

Ms. Keyer:

The Public Service Commission has received BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky's ("AT&T Kentucky") petition for confidentiality as filed on August 24, 2009, pursuant to Section 7 of 807 KAR 5:001 and KRS 61.878, *et al.* Protection is requested the Attachments to AT&T Kentucky's Supplemental Response to Item No. 6 of Brandenburg Telephone Company's First Data Request (as submitted on February 8, 2007).


The Attachments contains a list of Brandenburg's NPA-NXX, a summary of trunk groups between AT&T Kentucky and Brandenburg and an Advanced Routing and Trunking System list which identifies a new Brandenburg NPA-NXX established in 2000.

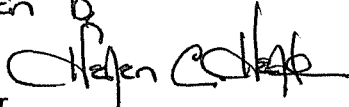
AT&T Kentucky contends these items fall under the commercial exemption of the Kentucky Open Records Act, KRS 61.878(1)(c)(1), and disclosure would permit an unfair advantage to competitors, namely competitive local exchange carriers and wireless providers, and harm the parties to this proceeding if openly discussed. Also, AT&T Kentucky specifically alleges that the Attachments qualify as customer proprietary network information as it has customer specific information and under federal law is prohibited from public disclosure. See 47 U.S.C. §222.

Having reviewed the petition, the Commission finds that the request for confidential protection is denied. The Commission finds that the information provided in the Attachments is already available to competitors and is contained in the Local Exchange and Routing Guide. Therefore, the Commission declines to find that public knowledge of this information qualifies as permitting an unfair commercial advantage to competitors if disclosed. See KRS 61.878(1)(c)(1) and KRS 61.878(c)(2). Additionally, Commission declines to extend protection to the Attachments on the basis of 47 U.S.C. §222, as this information relates to wholesale carrier transactions and is not customer proprietary network information.

As for the information that has been **DENIED** protection, it does not meet the criteria for confidential protection. 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.

Sincerely,

  
Jeff Derouen  
Executive Director



JD/tjb

cc: Main File  
Parties of Record



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July 1, 2010

Hon. John E. Selent  
Dinsmore and Shohl, LLP  
1400 PNC Plaza  
500 West Jefferson Street  
Louisville, KY 40202

Re: **Case No. 2006-00546**  
**Confidentiality Request dated October 15, 2009**

Mr. Selent:

The Public Service Commission has received Brandenburg Telephone's ("Brandenburg") petition for confidentiality as filed on October 15, 2009, pursuant to Section 7 of 807 KAR 5:001 and KRS 61.878, *et al.* The information is identified as details highlighted in Brandenburg's Post-Hearing brief regarding the amount of the alleged overpayments for Area Calling Services traffic, plus interest. Brandenburg notes that BellSouth Telecommunications, Inc. has moved for confidential protection of this same information which is included in BellSouth's Formal Complaint submitted to the Commission on December 14, 2006.

By separate letter issued on June 30, 2010, the Commission granted BellSouth's request for confidential treatment for several items contained within or attached to its Formal Complaint, including the items concerning overpayment amounts, as referenced in Brandenburg's Post-Hearing brief. The Commission granted protection to those portions of BellSouth's complaint on the basis that public knowledge of this information could qualify as permitting an unfair commercial advantage to competitors, if disclosed, pursuant to KRS 61.878(1)(c)(1) and KRS 61.878(c)(2).


July 1, 2010

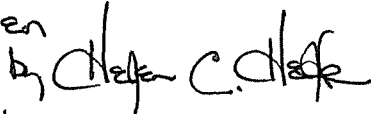
Page 2

Having reviewed Brandenburg's petition, the Commission finds that the request for confidential protection for the highlighted portions of Brandenburg's brief will be granted as an extension of the protection given to the same information submitted by BellSouth. The Commission finds that public knowledge of this information could qualify as permitting an unfair commercial advantage to competitors, if disclosed, pursuant to KRS 61.878(1)(c)(1) and KRS 61.878(c)(2).

As Brandenburg's petition has been **GRANTED** confidential treatment, the Commission will withhold the protected information identified in the petition from public inspection. If the information that has been granted protection becomes publicly available or no longer warrants confidential treatment, you are required by 807 KAR 5:001, Section 7(9)(a), to inform the Commission so that the information may be placed in the public record.

Sincerely,

  
Jeff Derouen  
Executive Director



JD/tjb

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Hon. John E. Selent  
Dinsmore and Shohl, LLP  
1400 PNC Plaza  
500 West Jefferson Street  
Louisville, KY 40202

Re: **Case No. 2006-00546**  
**Confidentiality Request dated September 3, 2009**

Mr. Selent:


The Public Service Commission has received Brandenburg Telephone's ("Brandenburg") petition for confidentiality as filed on September 3, 2009, pursuant to Section 7 of 807 KAR 5:001 and KRS 61.878, *et al.* The information is identified as Brandenburg Telephone Company's billing data and specific monetary amounts owed by BellSouth to Brandenburg. The information is provided to the Commission pursuant to a Data Request made during the course of the Formal Hearing. Brandenburg seeks confidential treatment on the basis that disclosure to the general public could permit an unfair commercial advantage to BellSouth's competitors by providing details on BellSouth's financial condition and costs of doing business. See KRS 61.878(1)(c)(1).

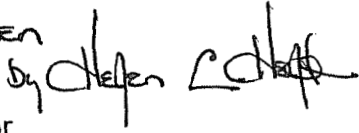
Having reviewed Brandenburg's petition, the Commission finds that the request for confidential protection is granted. The Commission finds that public knowledge of this information could qualify as permitting an unfair commercial advantage to competitors, if disclosed, pursuant to KRS 61.878(1)(c)(1) and KRS 61.878(c)(2).

As Brandenburg's petition has been **GRANTED** confidential treatment, the Commission will withhold the protected information identified in the petition from public inspection. If the information that has been granted protection becomes publicly available or no longer warrants confidential treatment, you are required by 807 KAR 5:001, Section 7(9)(a), to inform the Commission so that the information may be placed in the public record.

July 1, 2010  
Page 2

Sincerely,

  
Jeff Derouen  
Executive Director

  
By Stephen L. Clark

JD/tjb

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Hon. Mary K. Keyer  
BellSouth Telecommunications, Inc.  
601 West Chestnut Street  
Room 407  
Louisville, KY 40202

Re: **Case No. 2006-00546**  
**Confidentiality Request dated August 14, 2009**

Ms. Keyer:

The Public Service Commission has received BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky's ("AT&T Kentucky") petition for confidentiality as filed on August 14, 2009, pursuant to Section 7 of 807 KAR 5:001 and KRS 61.878, *et al.* The information is identified as:

Exhibits TW-2, TW-3 and TW-5 of Tim Watts' pre-filed rebuttal testimony  
Attachment to Exhibit TW-3 of Tim Watts' pre-filed rebuttal testimony

AT&T Kentucky contends that the Attachment to Exhibit TW-3 of Tim Watts' pre-filed rebuttal testimony contains the following: 1) Area Calling Service traffic calls sent to Brandenburg over the Common Transport Trunk Group on certain dates and includes specific data on customer telephone numbers and called telephone number information. AT&T Kentucky alleges that these sections qualify as customer proprietary network information contains specific details on calls made by customers. See 47 U.S.C. §222.

AT&T Kentucky contends that Exhibits TW-2, TW-3 and TW-5 of Tim Watts' pre-filed rebuttal testimony contain the following: 1) minutes of use and the amount of money exchanged between the parties for compensation on the termination of Area Calling Service traffic through the settlements process. AT&T Kentucky contends each item qualifies for the commercial exemption under the Kentucky Open Records Act, KRS 61.878(1)(c)(1), and disclosure would permit an unfair advantage to competitors, namely competitive local exchange carriers and wireless providers, and harm the parties to this proceeding if openly discussed. AT&T Kentucky alleges that these sections qualify as customer proprietary network information and under federal law is prohibited from public disclosure. See 47 U.S.C. §222.


July 1, 2010

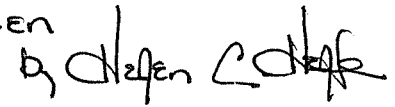
Page 2

Having reviewed the petition, the Commission finds that the request for confidential protection for each of the listed items will be granted. The Commission finds that public knowledge of this information could qualify as permitting an unfair commercial advantage to competitors, if disclosed, pursuant to KRS 61.878(1)(c)(1) and KRS 61.878(c)(2). However, AT&T Kentucky should note that the Commission only finds that confidential protection on the basis of 47 U.S.C. §222 will be extended only to the Attachment to TW-3 of Tim Watts' pre-filed rebuttal testimony, but not to the other Exhibits named in this petition.

As AT&T Kentucky's petition has been **GRANTED** confidential treatment, the Commission will withhold the protected information identified in the petition from public inspection. If the information that has been granted protection becomes publicly available or no longer warrants confidential treatment, you are required by 807 KAR 5:001, Section 7(9)(a), to inform the Commission so that the information may be placed in the public record.

Sincerely,

  
Jeff Derouen  
Executive Director



JD/tjb

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Ms. Keyer:

The Public Service Commission has received BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky's ("AT&T Kentucky") petition for confidentiality as filed on October 14, 2009, pursuant to Section 7 of 807 KAR 5:001 and KRS 61.878, *et al.* The information is identified as details highlighted in AT&T Kentucky's Post-Hearing brief regarding the amount of the alleged overpayments for Area Calling Services traffic, plus interest, as well as the amount of money which Brandenburg Telephone Company invoiced and which AT&T Kentucky paid for covered commercial mobile radio services ("CMRS") traffic under a CMRS agreement. AT&T Kentucky notes that it has moved for confidential protection of this same information which is included in its Formal Complaint submitted to the Commission on December 14, 2006.

By separate letter issued on June 30, 2010, the Commission granted AT&T Kentucky's request for confidential treatment for several items contained within or attached to its Formal Complaint, including the items concerning overpayment amounts and the amount of money which Brandenburg invoiced and which AT&T Kentucky paid for covered CMRS traffic under a CMRS agreement, as referenced in AT&T Kentucky's Post-Hearing brief. The Commission granted protection to those portions of AT&T Kentucky's complaint on the basis that public knowledge of this information could qualify as permitting an unfair commercial advantage to competitors, if disclosed, pursuant to KRS 61.878(1)(c)(1) and KRS 61.878(c)(2).


July 1, 2010

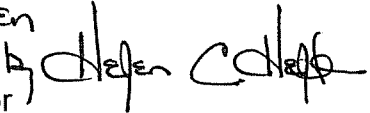
Page 2

Having reviewed AT&T Kentucky's petition, the Commission finds that the request for confidential protection for the highlighted portions of AT&T Kentucky's brief will be granted as an extension of the protection given to the same information submitted by AT&T Kentucky in December 2006. The Commission finds that public knowledge of this information could qualify as permitting an unfair commercial advantage to competitors, if disclosed, pursuant to KRS 61.878(1)(c)(1) and KRS 61.878(c)(2). However, AT&T Kentucky should note that although it also argued for confidential protection on the basis that the information qualifies as customer proprietary network information under 47 U.S.C. §222, the Commission declines to extend protection under this statute.

As AT&T Kentucky's petition has been **GRANTED** confidential treatment, the Commission will withhold the protected information identified in the petition from public inspection. If the information that has been granted protection becomes publicly available or no longer warrants confidential treatment, you are required by 807 KAR 5:001, Section 7(9)(a), to inform the Commission so that the information may be placed in the public record.

Sincerely,

  
Jeff Derouen  
Executive Director



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Ms. Keyer:

The Public Service Commission has received BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky's ("AT&T Kentucky") petition for confidentiality as filed on July 24, 2009, pursuant to Section 7 of 807 KAR 5:001 and KRS 61.878, *et al.* The information is identified as:

Pages 8, 11 and 17 of Tim Watts' pre-filed direct testimony  
Attachments 1 and 2 of Tim Watts' pre-filed direct testimony

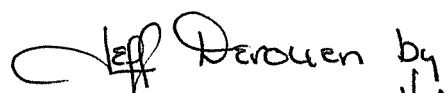
AT&T Kentucky contends that pages 8, 11 and 17 of Tim Watts' pre-filed direct testimony contains: 1) the average amount of money per month which AT&T Kentucky compensated Brandenburg for terminating Area Calling Service ("ACS") traffic through the settlements process; 2) the ACS traffic overpayment reimbursement, plus interest, due to AT&T Kentucky; and, 3) the covered Commercial Mobile Provider Traffic overpayment, plus interest, due to AT&T Kentucky. AT&T Kentucky contends each item qualifies for the commercial exemption under the Kentucky Open Records Act, KRS 61.878(1)(c)(1), and disclosure would permit an unfair advantage to competitors, namely competitive local exchange carriers and wireless providers, and harm the parties to this proceeding if openly discussed. AT&T Kentucky alleges that these sections qualify as customer proprietary network information as it is specific to the Brandenburg-AT&T Kentucky relationship and under federal law is prohibited from public disclosure. See 47 U.S.C. §222.

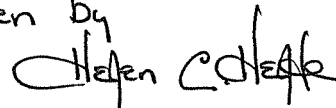
AT&T Kentucky contends that Attachments 1 and 2 of Tim Watts' pre-filed direct testimony contains: 1) information on the amount of money AT&T Kentucky compensated Brandenburg for terminating ACS traffic through the settlements process and 2) information on the amount of money Brandenburg invoiced and money paid by AT&T Kentucky for the covered Commercial Mobile Provider Traffic. AT&T Kentucky contends each item qualifies for the commercial exemption under the Kentucky Open Records Act, KRS 61.878(1)(c)(1), and disclosure would permit an unfair advantage to competitors, namely competitive local exchange carriers and wireless providers, and harm the parties to this proceeding if openly discussed. AT&T Kentucky alleges that these sections qualify as customer proprietary network information as it is specific to the Brandenburg-AT&T Kentucky relationship and under federal law is prohibited from public disclosure. See 47 U.S.C. §222.

Having reviewed the petition, the Commission finds that the request for confidential protection for each of the listed items will be granted. The Commission finds that public knowledge of this information could qualify as permitting an unfair commercial advantage to competitors, if disclosed, pursuant to KRS 61.878(1)(c)(1) and KRS 61.878(c)(2). However, AT&T Kentucky should note that the Commission declines to extend protection on the basis of 47 U.S.C. §222.

As AT&T Kentucky's petition has been **GRANTED** confidential treatment, the Commission will withhold the protected information identified in the petition from public inspection. If the information that has been granted protection becomes publicly available or no longer warrants confidential treatment, you are required by 807 KAR 5:001, Section 7(9)(a), to inform the Commission so that the information may be placed in the public record.

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Executive Director



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