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July 20, 2010

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**PUBLIC SERVICE
COMMISSION**

VIA OVERNIGHT MAIL

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 ten (10) copies of AT&T Kentucky's Motion for Reconsideration of Denial of Confidentiality Petition.

Should you have any questions, please let me know.

Sincerely,

Mary K. Keyer

Enclosures

cc: Parties of Record

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:)
)
 BELLSOUTH TELECOMMUNICATIONS, INC.)
 D/B/A AT&T KENTUCKY)
)
) COMPLAINT)
)
 v.) CASE NO. 2006-00546)
)
) BRANDENBURG TELEPHONE COMPANY)
)
)
) DEFENDANT)

AT&T KENTUCKY'S MOTION FOR RECONSIDERATION OF
DENIAL OF CONFIDENTIALITY PETITION

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") for reconsideration of its decision of July 1, 2010, denying AT&T Kentucky's Motion for Confidentiality filed on August 24, 2009, for a list of Brandenburg Telephone Company's NPA-NXXs, a summary of trunk groups between Brandenburg and AT&T Kentucky, and an internal AT&T Kentucky translations document identifying the addition of a new Brandenburg NPA-NXX. In its decision, the Commission "decline[d] to find that public knowledge of this information qualifies as permitting an unfair advantage to competitors if disclosed." This determination was based solely on the Commission's finding that "the information is already available to competitors and is contained in the Local Exchange Routing Guide."

This finding contained a decisive factual error. The information in question included both NPA-NXXs and a summary of trunk groups between Brandenburg Telephone Company and AT&T Kentucky. Although it is correct that the NPA-NXXs are in the Local Exchange Routing Guide ("LERG"), which is available to carriers who subscribe to it, the interoffice trunk groups, revealing actual routing of traffic, are not in the LERG and are not available to competitors.

The trunk group information provides the naming, routing, and sizing of AT&T Kentucky's network. If made public, this information would reveal to AT&T Kentucky's competitors information about AT&T Kentucky's network that AT&T Kentucky does not have about their networks, and would allow AT&T Kentucky's competitors an unfair competitive advantage. Competitors could, for example, recommend a particular routing to a customer based solely on knowledge they gain from reviewing AT&T Kentucky trunk group information. From that information, they could recommend a route where they can currently complete more calls between the given exchanges and provide more robustness in their routing of traffic. They could establish this by showing narrowly selected AT&T Kentucky trunk group information, without explaining the ways in which AT&T Kentucky can add trunk groups or provide alternate routes where needed. Competitors also could selectively use this information to argue that their networks are superior to AT&T Kentucky's, without revealing the many areas where AT&T Kentucky's network may be superior. Since AT&T Kentucky would not have this same proprietary information of its competitors, unfair competition would result.

For the above reason, the trunk group information meets the commercial exemption for confidentiality in the Kentucky Open Records Act. For this reason alone,

rehearing should be granted. There are, however, additional bases of support for such a grant of rehearing.

Network security concerns are an additional reason why AT&T Kentucky keeps trunk group and other specific network routing and sizing information confidential. A person or group of persons with intent to harm AT&T Kentucky's network, either for criminal or social disruption purposes, would have their task made easier if they had the additional information of the number and routing of trunks between two locations. It is good public policy for AT&T Kentucky to keep this type of network information confidential and for the Commission to protect and maintain that confidentiality.


The reasons for such confidentiality here are similar to the reasons why the Federal Communications Commission and Department of Homeland Security have found it essential to keep network outages information confidential. They have found this need for confidentiality based on protection of both network security and fair competition. *New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, ET Docket No. 04-35, *Report and Order* (FCC 04-188), 19 FCC Rcd 16830, paras. 3, 30, 40-46 (2004).

Finally, as to the information regarding Brandenburg's NPA-NXXs, the Kentucky Commission's decision of July 1, 2010, denying AT&T Kentucky's Motion for Confidentiality contained an error of law. The Commission said that it declined to protect the information on the basis of 47 U.S.C. § 222, "as this information relates to wholesale carrier transactions and is not customer proprietary network information." Actually, customer proprietary network information, subject to section 222(c), pertains to information of "any customer of a telecommunications carrier." Brandenburg is a

customer of AT&T Kentucky. In addition, section 222(a) expressly protects the privacy of information of "other telecommunication carriers...including telecommunication carriers reselling telecommunications services provided by a telecommunications carrier." Moreover, section 222(b) also protects the confidentiality of information of "another carrier."

For the reasons stated herein, AT&T Kentucky respectfully requests the Commission reconsider its decision and grant AT&T Kentucky's confidentiality petition filed on August 24, 2009.

Respectfully submitted,



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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 placing same in the U.S. Mail, postage pre-paid, this 20th day of July, 2010.

John E. Selent
Holly C. Wallace
Dinsmore & Shohl, LLP
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500 West Jefferson Street
Louisville, KY 40202



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