Steven L. Beshear Governor

Leonard K. Peters Secretary Energy and Environment Cabinet



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July 24, 2009

David L. Armstrong Chairman

James W. Gardner Vice Chairman

Charles R. Borders Commissioner

Hon. Mark Overstreet Stites & Harbison PLLC 421 West Main Street P.O. Box 634 Frankfort, KY 40602-0634

Re:

Confidentiality Request dated March 20, 2009 -

Windstream's Responses to Data Requests

PSC Case No. 2007-00004

Dear Mr. Overstreet:

The Public Service Commission has received the Confidentiality Petition you filed on March 20, 2009 on behalf of Windstream Kentucky East, LLC ("Windstream") to protect certain information filed with the Commission as confidential under Section 7 of 807 KAR 5:001 and KRS 61.878. The information is identified as pertaining to Windstream's responses to the data requests issued by Commission Staff, the complainants and the intervenors.

The Commission has reviewed the information and has made the following determinations regarding confidential protection:

Responses to Commission Staff

Data Request # 3

Denied. Public knowledge of this information would not qualify as permitting an unfair commercial advantage to competitors if disclosed. KRS 61.878(c)(2).

Data Request # 5

Grant.



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Responses to Intervenors

Data Request # 1

Denied. Public knowledge of this information would not qualify as commercial permitting an unfair advantage to competitors if disclosed. KRS 61.878(c)(2).

Data Request # 4

Grant.

Responses to Complainants

Data Request #7 (reference to first agreement)

Grant.

Data Request #7 (reference to second

agreement)

Denied. Public knowledge of this information would not qualify as permitting an unfair commercial advantage to competitors if disclosed. KRS 61.878(c)(2).

Data Request #9

Grant.

Data Request # 28

Grant.

Data Request #30

Denied. Public knowledge of this information would not qualify permitting an unfair commercial advantage to competitors if disclosed. KRS 61.878(c)(2).

Data Request # 36

Grant.

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 the information sought to be kept confidential for Windstream shall be GRANTED, in part, and DENIED, in part.

As for the information that has been **DENIED** protection, it does not meet the criteria for confidential protection as set out in the statutory authority listed above. 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



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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.

As for the information that has been **GRANTED** protection, the Commission will withhold the protected information contained in the current 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

Executive Director

TB/ew

cc: Parties of Record for Case No. 2007-00004

