



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

John W. Clay
Commissioner

March 30, 2009

Hon. John Hughes
124 West Todd Street
Frankfort, Kentucky 40601

Re: Sprint Communications Company L.P. ("Sprint") Against Brandenburg
Telephone Company - Petition for Confidentiality received July 31, 2008
PSC Reference – 2008-00135

Dear Mr. Hughes:

Please find enclosed a copy of your Petition for Confidential Treatment in the above styled case and the Commission's response. I regret the Commission's untimely response to your Petition. In the confusion of several retirements in 2008, a group of Petitions was left unanswered. We are responding to these Petitions for Confidential Treatment as fast as possible. As we work our way through the Petitions, you may receive additional outdated responses and thank you for your patience.

To correct the situation, we have established an electronic logging system so that we avoid a recurrence. I apologize for any inconvenience this may have caused you or your client. Please contact me should you have any questions with regard to any Petitions for Confidential Treatment.

Sincerely,

A handwritten signature in black ink that reads "Helton Helton".

Helton Helton
General Counsel

kg/

cc: Parties of Record



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Re: Sprint Communications Company L.P. ("Sprint") Against Brandenburg
Telephone Company - Petition for Confidentiality received July 31, 2008
PSC Reference – 2008-00135

Dear Mr. Hughes:

The Public Service Commission has received the Petition for Confidentiality you filed on July 31, 2008 on behalf of Sprint Communications Company L.P. ("Sprint"), to protect certain information filed with the Commission as confidential under Section 7 of 807 KAR 5:001 and KRS 61.870 et. seq. The information you seek to have treated as confidential is identified as your client's call traffic detail records and switched access data and includes customer call information and other information considered to be personal or otherwise protected from public disclosure. This information was filed in response to a directive of the Commission's staff at an Informal Conference on July 17, 2008. Your justification for having the Commission handle this material as confidential is that the public disclosure of the information would compromise your client's competitive position in the industry and result in an unfair commercial advantage to their competitors and the material is also personal information.

Based on a review of the information, the Commission has determined that only portions of the information supplied meet the criteria for confidential protection pursuant to KRS 61.878 and 807 KAR 5:001, Section 7. While you seek confidentiality as to Tabs 1-4 of the materials referenced above, along with a PDF file of a MTA map, only the materials in **Tab 3** qualify for confidential treatment under the Commission's regulations and applicable law in that these materials do contain proprietary information the public disclosure of which would permit an unfair commercial advantage to Sprint's competitors. The Commission has also determined that the materials are clearly personal information and constitute a clearly unwarranted invasion of personal privacy. Therefore, your Petition for Confidentiality is **GRANTED as to Tab 3 only** and will be maintained as a nonpublic part of the Commission's file in this case. The procedure for

usage of confidential materials during formal proceedings may be found at Section 7(8) of 807 KAR 5:001.

If the information becomes publicly available or no longer warrants confidential treatment, Sprint Communications Company L.P.; ("Sprint") is required by Section 8(9)(a) of 807 KAR 5:001 to inform the Commission so that the information may be placed in the public record.

The Commission has determined that the information contained in **Tab 1, Tab 2, Tab 4 and the PDF file/map** of the materials referenced above, **does not meet the criteria for confidential protection** and is therefore **DENIED** for the following reasons:

Tab 1 merely gives a description of the data fields and contains no confidential information.

Tab 2 is a summary of a study and therefore not of a confidential nature.

Tab 4 is a listing of publicly known area codes

PDF Map is a FCC map that is publicly available

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

kg/

cc: Parties of Record

RECEIVED

JUL 31 2008

PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Complaint of Sprint Communications)	
Company L.P. Against Brandenburg)	Case No. 2008-00135
Telephone Company for the Unlawful)	
Imposition of Access Charges)	

PETITION FOR CONFIDENTIALITY

Sprint Communications Company L.P. ("Sprint") petitions the Public Service Commission ("Commission"), pursuant to 807 KAR 5:001, Section 7 and all other applicable law, for confidential treatment of Sprint's call traffic detail records and switched access data submitted pursuant to the directive of the Commission Staff at the Informal Conference among the parties held on July 17, 2008, the original of which is included under seal with this Petition. A copy of this information is also being provided to Brandenburg, subject to a confidentiality agreement. Information for which confidential treatment is requested includes information in connection with Sprint's calling records, customer call information and other information considered to be personal or otherwise protected from public disclosure. In support of its Petition, Sprint states:

1.

In accordance with its rules and Kentucky law, the Commission has directed Sprint to file this information as part of the evidentiary record in this matter. Based on the reasons set forth below, the information in question is entitled to confidential treatment under 807 KAR 5:001, Section 7, and all other applicable law.

2.

The Commission has requested substantive information revealing the operational experience of Sprint in Kentucky, including traffic information that details calling information, which if publicly disclosed could have adverse consequences to Sprint's competitive standing and disclose personal matters ordinarily exempt from disclosure.

3.

Sprint would not as a matter of company policy publicly disclose information like that attached to this Petition, except as required by law or pursuant to a court order or subpoena. Sprint's internal policies are directed toward non-disclosure of the information in question. In fact, the information will not be disclosed to any personnel of Sprint except those who need to know in order to discharge their responsibilities. The information provided to the Commission is not information customarily disclosed to the public and is generally recognized as confidential and proprietary.

4.

There is no significant interest in public disclosure of the attached information. Any public interest in favor of disclosure of the information is outweighed by the competitive interest in keeping the information confidential, thereby enabling Sprint to successfully compete for business in Kentucky and other states and by the need to protect personal calling records. Disclosure of the information in question would put Sprint at a competitive disadvantage and potentially harm its customers. Moreover, the public interest would be best served by the nondisclosure of the materials in question.

5.

The information that Sprint seeks to be afforded confidential treatment also constitutes a trade secret under the two prong test of KRS 365.880: a) the economic value of the information is derived by not being readily ascertainable by other persons who might obtain economic value by its disclosure; and, b) the information is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. Both of the statutory tests are met in this instance. Only Sprint is in a position to know its business plan, call details and calling patterns of its customers. The economic value of this information is derived by Sprint maintaining the secrecy of the information, since its competitors could obtain economic value through its disclosure.

6.

Further, the information should be exempted from public disclosure due to the fact that a substantial portion of it constitutes customer proprietary network information ("CPNI"), the use of which is highly restricted by federal law, i.e., 47 U.S.C. Section 222, and 18 U.S.C. Section 2701 *et seq*¹. Accordingly, Sprint requests that the Commission treat this CPNI information as confidential and not subject to public disclosure.

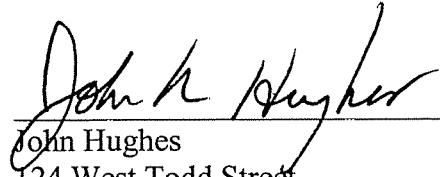
7.

Pursuant to 807 KAR 5:001, Section 7(3), temporary confidentiality for the enclosed information should be maintained until the Commission enters an Order as to this Petition. Once the Order regarding confidentiality has been issued, Sprint would have twenty (20) days to seek alternative remedies pursuant to 807 KAR 5:001, Section 7(4), if necessary.

For these reasons, Sprint petitions the Commission to treat as confidential all of the information identified in this Petition.

¹ 18 U.S.C. Sections 2701 *et seq.* are also known as the Electronic Communications Privacy Act ("ECPA").

Submitted this 31st day of July, 2008.

A handwritten signature in black ink, appearing to read "John K. Hughes". The signature is written in a cursive style with a large initial "J".

John Hughes
124 West Todd Street
Frankfort, Kentucky 40601
(502) 227-7270 (T)
(502) 875-7059 (F)

Attorney for Sprint Communications
Company L.P.

JOHN N. HUGHES
ATTORNEY AT LAW
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JNHUGHES@fewpb.net

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July 31, 2008

Stephanie Stumbo
Executive Director
Public Service Commission
211 Sower Blvd
Frankfort, KY 40601

RECEIVED

JUL 31 2008

PUBLIC SERVICE
COMMISSION

Re: Case No. 2008-00135

Dear Ms. Stumbo:

Attached is the response of Sprint Communications Company, L.P. to the issues raised in the conference among the parties held on July 17, 2008. Two disks are being provided to the Commission and one will be provided to counsel for Brandenburg.

The following information will help review of the information:

Tab 1 is the CDR layout Key; giving descriptions of the CDR Fields provided in Tab 3 (one page)

Tab 2 is the Pivot table output Sprint compiled, illustrating the PIU's derived using Sprint and Brandenburg methodologies. Notes of detail about the output are provided within this tab. (one page)

Tab 3 is the line item CDR data, which was used to create Tab 2's Pivot table output (1000+ pages)

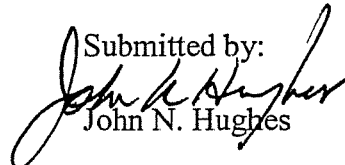
Tab 4 is the Nanpa list of Area codes, which was used to match the area codes in Tab 3 to their respective state (about 6 pages)

The second attachment, which is a PDF file, is merely an MTA map, taken from the FCC website, to illustrate KY's MTA boundaries.

Because the information provided contains confidential information, it is filed with a Petition for Confidentiality. A Protective Agreement has been presented to Brandenburg.

If there are any questions about this matter, please contact me.

Submitted by:



John N. Hughes

Attorney for Sprint Communications
Company, L.P.

CC: John Selent
Attachments