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JUL 21 2009

PUBLIC SERVICE
COMMISSION

July 21, 2009

VIA HAND DELIVERY

Hon. Jeff Derouen
Executive Director
Public Service Commission
of the Commonwealth of Kentucky
211 Sower Blvd.
Frankfort, KY 40601

***Re: In the Matter of: Complaint of Sprint Communications Company L.P.
against Brandenburg Telephone Company for the Unlawful Imposition of
Access Charges, Case No. 2008-00135***

Dear Mr. Derouen:

We have enclosed for filing in the above-styled case the following two documents.

1. A redacted original and eleven (11) copies of the prefiled direct testimony of Allison T. Willoughby of Brandenburg Telephone Company in the above-styled matter. (The signed verification page from Ms. Willoughby's prefiled testimony will be filed at a later date.)
2. An original and eleven (11) copies of Brandenburg Telephone Company's petition for confidential treatment of portions of the prefiled direct testimony of Allison T. Willoughby.

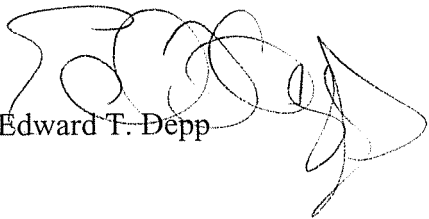
As required by the regulations of the Public Service Commission of the Commonwealth of Kentucky, the petition for confidential treatment contains one highlighted original (clearly identified as "ORIGINAL") of the page(s) containing any potentially confidential material, along with ten (10) redacted copies of the same page(s).

Please return a file stamped copy to our courier.

Hon. Jeff Derouen
July 21, 2009
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Thank you, and if you have any questions, please call me.

Sincerely,



Edward T. Depp

Enclosures

cc: All Parties of Record

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**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

JUL 21 2009

**PUBLIC SERVICE
COMMISSION**

In the Matter of:

**COMPLAINT OF SPRINT COMMUNICATIONS)
COMPANY L.P. AGAINST BRANDENBURG)
TELEPHONE COMPANY FOR THE UNLAWFUL) Case No. 2008-00135
IMPOSITION OF ACCESS CHARGES)**

PETITION FOR CONFIDENTIALITY

Petitioner Brandenburg Telephone Company ("Brandenburg"), by counsel, and pursuant to 807 KAR 5:001, Section 7, hereby petitions the Public Service Commission of the Commonwealth of Kentucky (the "Commission") to accord confidential treatment to certain highlighted information contained in the Prefiled Direct Testimony of Allison T. Willoughby on behalf of Brandenburg Telephone Company (the "Testimony") filed with the Commission on July 21, 2009. The material subject to this motion includes Brandenburg Telephone traffic study logs (Testimony Exs. A-B), a billing statement from Sprint related to the traffic study (Testimony Ex. C), call jurisdiction reports from Sprint relevant to the study (Testimony Ex. D), Brandenburg's traffic study conclusion (Testimony Ex. E), a billing summary of amounts owed to Brandenburg Telephone for access services (Testimony Ex. G) and portions of the Testimony referencing data contained in the confidential exhibits. In support of this Petition, Brandenburg states as follows.

I. Applicable Law

The Kentucky Administrative Regulations permit a party to maintain the confidentiality of certain information submitted to the Commission, provided the requesting party can "[set] forth specific grounds pursuant to . . . the Kentucky Open Records Act, upon which the commission should classify that material as confidential." 807 KAR 5:001 § 7(2)(a)(1).

Relevant to this petition, the Kentucky Open Records Act exempts three kinds of records from the requirement of public inspection: (1) "[p]ublic records containing information of a personal

nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy"; (2) "[r]ecords confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would present an unfair commercial advantage to competitors of the entity that disclosed the records; and (3) "records or information the disclosure of which is prohibited by federal law or regulation." KRS § 61.878(1)(a), (1)(c)(1), (1)(k).

II. Argument

Brandenburg has highlighted confidential call detail information contained within its Testimony and corresponding exhibits, including full identification of incoming and outgoing phone numbers, a customer name and account number, and numerous billing entries unrelated to the traffic study at issue in the Testimony.

Such detailed records of account holder information and incoming and outgoing calls are personal except to the extent needed to support Brandenburg's traffic study. They reveal account information, call patterns, and information sufficient to identify individuals who placed calls to and received calls from the account holder. Public release of this information would add nothing useful to the record in these proceedings and would constitute a "clearly unwarranted invasion of personal privacy." KRS § 61.878(1)(a).

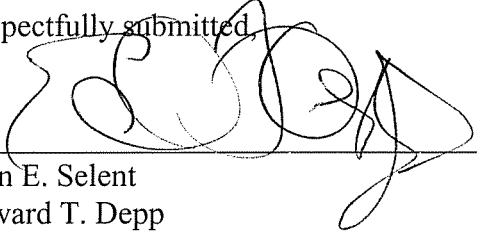
In addition, these records contain confidential and proprietary information which could "present an unfair commercial advantage" to Brandenburg's competitors by revealing Brandenburg's methods in designing its traffic study. KRS § 61.878(1)(c)(1).

Finally, Customer Proprietary Network Information, or "CPNI" is protected by federal law. Section 222 of the Communications Act of 1934, as amended, prohibits telecommunications carriers from disclosing information about their customers that they obtain by virtue of providing them with telecommunications service. 47 U.S.C § 222(c). Congress has defined CPNI as "information that

relates to the quantity, technical configuration, type, destination, and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier,” and “information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a carrier.” *Id.* § 222(f)(1). The information sought to be classified in this case is CPNI which is federally protected from disclosure; therefore, disclosure of the information may violate federal law and the information should be afforded confidential treatment under Kentucky law. KRS § 61.878(1)(k).

WHEREFORE, pursuant to 807 KAR 5:001, Section 7, Brandenburg requests the Commission to issue an order directing that the customer information (highlighted in yellow in the Testimony and in Exhibits A-E and G attached to the Testimony) be afforded confidential treatment pursuant to the rules and regulations of the Commission.

Respectfully submitted,



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Counsel to Brandenburg Telephone Company

CERTIFICATE OF SERVICE

I hereby certify a true and accurate copy of the foregoing was served on the following, via first-class U.S. Mail, on this 21st day of July, 2009.

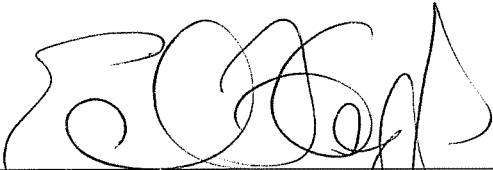
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