

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF NEW CINGULAR	)	
WIRELESS PCS, LLC D/B/A AT&T MOBILITY FOR	)	
ISSUANCE OF A CERTIFICATE OF PUBLIC	)	CASE NO.
CONVENIENCE AND NECESSITY TO	)	2020-00310
CONSTRUCT A WIRELESS COMMUNICATIONS	)	
FACILITY IN THE COMMONWEALTH OF	)	
KENTUCKY IN THE COUNTY OF PULASKI	)	

ORDER

On November 11, 2020, New Cingular Wireless PCS, LLC, a Delaware limited liability company, d/b/a AT&T Mobility (AT&T), and Uniti Towers LLC, a Delaware limited liability company (AT&T/Uniti), requested confidential treatment pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13, for ten years for an affidavit filed in support of their application.

As a basis for their motion, AT&T/Uniti assert that the designated material consists of confidential contract negotiations for a cellular tower lease with a third party and that the information is proprietary and confidential information. AT&T/Uniti contend that public disclosure of the designated material would result in an unfair commercial advantage to their competitors due to the competitive nature of cellular tower leases.

Having considered the motion and the material at issue, the Commission finds that the designated material is generally recognized as confidential or proprietary; it therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. AT&T/Uniti's motion for confidential protection for the affidavit is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for a period of ten years or until further Orders of this Commission.
3. Use of the material granted confidential treatment by this Order in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. AT&T/Uniti shall inform the Commission if the material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.
5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, then AT&T/Uniti shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If AT&T/Uniti are unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.
6. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow AT&T/Uniti to seek a remedy afforded by law.

By the Commission

ENTERED  
APR 19 2021 rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

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