

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 CONVENIENCE AND NECESSITY)	CASE NO.
TO CONSTRUCT A WIRELESS)	2020-00310
COMMUNICATIONS FACILITY IN THE)	
COMMONWEALTH OF KENTUCKY IN THE)	
COUNTY OF PULASKI)	

ORDER

On April 27, 2021, SBA Infrastructure, LLC (SBA) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for five years for specific information contained in a letter to Tim Brenner dated April 27, 2021, which contains proposed financial terms and business details relating to a proposed agreement between SBA and AT&T Mobility (AT&T).

In support of its motion, SBA argues that information is generally recognized as confidential or proprietary, and that release of the information would allow competitors to gain an unfair commercial advantage over AT&T. The telecommunications and wireless infrastructure markets are competitive, and releasing the proposed terms of this agreement would provide possible vendors to AT&T an advantage in negotiations.

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

IT IS THEREFORE ORDERED that:

1. SBA's motion for confidential treatment 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 five years or until further Order of this Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).
4. SBA shall inform the Commission if the designated 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, SBA 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 SBA is 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 SBA to seek a remedy afforded by law.

By the Commission

ENTERED
MAR 03 2022 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:

Nancy Vinsel for
Executive Director

Case No. 2020-00310

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