

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)	2022-00010
COMMUNICATIONS FACILITY IN THE)	
COMMONWEALTH OF KENTUCKY IN THE)	
COUNTY OF RUSSELL)	

ORDER

On April 7, 2022, New Cingular Wireless PSC, LLC d/b/a/ AT&T Mobility (AT&T Mobility) and Harmoni Towers LLC (Harmoni Towers) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for indefinite period or, at minimum ten years, for an affidavit in support of AT&T Mobility and Harmoni Towers' application.

In support of its motion, AT&T Mobility and Harmoni Towers argued that the affidavit includes a discussion of pricing, lease terms, and negotiations that are inherently proprietary or confidential information, and that if disclosed it would create an unfair commercial advantage to competitors under 807 KAR 5:001, Section 13 and KRS 61.878(1)(c)(1).

Having considered the motion and the material at issue, the Commission finds that the affidavit is generally recognized as confidential or proprietary. The affidavit contains a description of the negotiations of rental terms between AT&T Mobility and SBA as well as AT&T Mobility and Harmoni Towers. The affidavit also contains the financial benefit

AT&T Mobility foresees in re-locating to a Harmoni tower. Additionally, similar affidavits have been granted confidential treatment by the Commission.¹ The affidavit 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. AT&T Mobility and Harmoni Towers' 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 10 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. AT&T Mobility and Harmoni Towers shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.

¹ Case No. 2020-00310, *Electronic Application of New Cingular Wireless PCS, LLC d/b/a AT&T Mobility for Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Communications Facility in the Commonwealth of Kentucky in the County of Pulaski* (Ky. PSC Apr. 19, 2021), Case No. 2020-00300 *Electronic Application of New Cingular Wireless PCS, LLC D/B/A AT&T Mobility for Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Communications Facility in the Commonwealth of Kentucky in the County of Livingston* (Ky. PSC Dec. 14, 2021); Case No. 2021-00065 *Electronic Application of New Cingular Wireless PCS, LLC D/B/A AT&T Mobility for Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Communications Facility in the Commonwealth of Kentucky in the County of Russell* (Ky. PSC Feb. 24, 2022); Case No. 2021-00092 *Electronic Application of New Cingular Wireless PCS, LLC D/B/A AT&T Mobility for Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Communications Facility in the Commonwealth of Kentucky in the County of Bath* (Ky. PSC Feb. 24, 2022), Case No. 2022-00144 *Electronic Application of New Cingular Wireless PCS, LLC D/B/A AT&T Mobility for Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Communications Facility in the Commonwealth of Kentucky in the County of Marion* (Ky. PSC July 26, 2022).

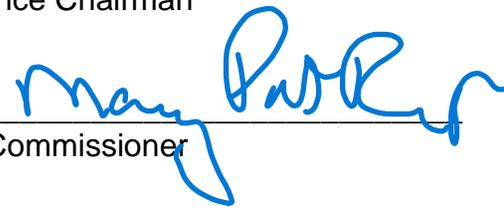
5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, AT&T Mobility and Harmoni Towers shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If AT&T Mobility and Harmoni Towers 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 AT&T Mobility and Harmoni Towers to seek a remedy afforded by law.

PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman


Commissioner



ATTEST:


Executive Director

*Christopher Shouse
Attorney
Pike Legal Group PLLC
1578 Highway 44 East, Suite 6
P. O. Box 369
Shepherdsville, KENTUCKY 40165-0369

*Honorable David A Pike
Attorney at Law
Pike Legal Group PLLC
1578 Highway 44 East, Suite 6
P. O. Box 369
Shepherdsville, KENTUCKY 40165-0369

*New Cingular Wireless PCS, LLC dba AT&T
1010 N St Mary's Street, 9th Floor
San Antonio, TX 78215