

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	)	2022-00027
COMMUNICATIONS FACILITY IN THE	)	
COMMONWEALTH OF KENTUCKY IN THE	)	
COUNTY OF RUSSELL	)	

ORDER

On April 7, 2022, New Cingular Wireless PCS, 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 an indefinite period or, at a minimum, ten years for an affidavit by Tim Brenner, Director for Network Planning for AT&T Mobility in support of AT&T Mobility and Harmoni Towers' application.

In support of its motion, AT&T Mobility and Harmoni Towers argue that the affidavit includes a discussion of inherently proprietary or confidential information and that if disclosed, the material would permit unfair commercial advantage to competitors under 807 K.A.R. 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. Specifically, the affidavit contains information related to AT&T Mobility expanding services as a SBA tenant versus as a Harmoni Towers tenant. The information contains details regarding

the financial benefits AT&T Mobility foresees in re-locating to a Harmoni Towers' tower. 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). In addition, similar affidavits have recently been granted confidential treatment by Commission.<sup>1</sup>

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.

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<sup>1</sup> 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 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

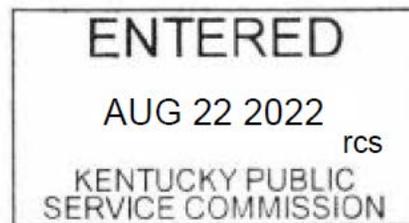


Chairman

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