

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION OF THE)	CASE NO.
PROPOSED POLE ATTACHMENT TARIFFS OF)	2022-00108
INCUMBENT LOCAL EXCHANGE CARRIERS)	

ORDER

On June 2, 2022, BellSouth Telecommunications, LLC d/b/a AT&T Kentucky (AT&T Kentucky) filed a petition, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for ten years for the Joint Use Agreements (JUA) between AT&T Kentucky and the various electric utilities, municipal power entities, RECCs or other third-party attachers,¹ which were requested by Item 10 of the Commission Staff's Second Requests for Information.²

In support of its petition, AT&T Kentucky argued that the information to be protected, if disclosed, would provide competitors and potential competitors with important information about AT&T Kentucky and its operations, which competitors would be unable to obtain otherwise.³ According to the petition, such an unfair competitive advantage skews the marketplace and prevents the development of true competition to the ultimate detriment of the consumer.⁴

¹ Exhibit 1, List of Joint Use Agreements (filed June 2, 2022).

² Commission Staff's Second Request for Information (filed May 19, 2022), Item 10.

³ Petition (filed June 2, 2022) at 2.

⁴ Petition at 2.

Having considered the petition and the material at issue, the Commission finds that the JUA's between AT&T Kentucky and the various electric utilities, municipal power entities, RECCs or other third-party attachers are generally recognized as confidential or proprietary and if disclosed, would disadvantage AT&T Kentucky. The material, therefore, meets the criteria for confidential treatment and should be exempted from public disclosure for a period of ten years pursuant to 807 KAR 5:001, Section 13, and KRS 61.878 (1)(c)(1).

IT IS THEREFORE ORDERED that:

1. AT&T Kentucky's June 2, 2022 petition for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed on the public record or made available for public inspection for ten 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. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, AT&T Kentucky shall inform the Commission and file with the Commission an unredacted copy of the designated material.
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 Kentucky shall have 20 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 Kentucky

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 Kentucky to seek a remedy afforded by law.

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Entered on this 29th day of June, 2026.


PUBLIC SERVICE COMMISSION



Angie Hatton
Chair



Mary Pat Regan
Vice Chair



Andrew W. Wood
Commissioner



Barry L. Mayfield
Commissioner

ATTEST:



Linda C. Bridwell, PE
Executive Director

Service List for 2022-00108

* Cincinnati Bell Telephone Company LL dba altafiber Network Solutions
Cincinnati Bell Telephone Company LLC dba altafiber Network Solutions
221 E Fourth Street, Room 103-1080
Cincinnati, OH 45201-2301

* Windstream Kentucky East, LLC
Windstream Kentucky East, LLC
4005 N Rodney Parham Road
Little Rock, AR 72212

* Cheryl Winn
Waters Law Group, PLLC
12802 Townepark Way, Suite 200
Louisville, KY 40243

* Douglas E Hart
Frost & Jacobs
2500 Pnc Center
201 E. Fifth Street
Cincinnati, OH 45202

* Eduardo Arellano
BellSouth Telecommunications, LLC dba AT&T Kentucky and AT&T Southeast
P. O. Box 436885
Louisville, KY 40253

* Hannah Wigger
Sheppard Mullin Richter & Hampton LLP
2099 Pennsylvania Avenue NW, Suite 1
Washington, DC 20006

* James W Gardner
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street
Suite 1400
Lexington, KY 40507

* John Tyler
BellSouth Telecommunications, LLC dba AT&T Kentucky and AT&T Southeast
P. O. Box 436885
Louisville, KY 40253

* Kevin Mann
Cincinnati Bell Telephone Company
221 E 4th Street, Room 103-1170
Cincinnati, OH 45202

* Denotes served by Email

* Katie M Glass
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KY 40602-0634

* Leigh Fox
Cincinnati Bell Telephone Company
201 E. Fourth Street
P. O. Box 2301
Cincinnati, OH 45201-2301

* BellSouth Telecommunications, LLC db
BellSouth Telecommunications, LLC dba AT&T Kentucky and AT&T Southeast
P. O. Box 436885
Louisville, KY 40253

* Paul Werner
Sheppard Mullin Richter & Hampton LLP
2099 Pennsylvania Avenue NW, Suite 1
Washington, DC 20006

* Rebecca C. Price
Sturgill, Turner, Barker & Moloney
155 East Main Street
Lexington, KY 40507

* Suzanne Pagana
Inteserra Consulting Group
151 Southhall Lane Suite 450
Maitland, FL 32751

* Sharon Thomas
Inteserra Consulting Group
151 Southhall Lane Suite 450
Maitland, FL 32751

* M. Todd Osterloh
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street
Suite 1400
Lexington, KY 40507