Steven L. Beshear Governor

Leonard K. Peters Secretary Energy and Environment Cabinet



Commonwealth of Kentucky **Public Service Commission** 211 Sower Blvd. P.O. Box 615 Frankfort, Kentucky 40602-0615 Telephone: (502) 564-3940 Fax: (502) 564-3460 psc.ky.gov

September 15, 2010

David L. Armstrong Chairman

James W. Gardner Vice Chairman

Charles R. Borders Commissioner

Hon. Mark Overstreet Stites & Harbison, PLLC 421 West Main Street P.O. Box 634 Frankfort, KY 40602-0634

Re:

Administrative Case No. 381 Windstream Kentucky West, LLC Confidentiality Request dated August 30, 2010 2010 Universal Service High Cost Support Certification Report

Mr. Overstreet:

On August 30, 2010, the Public Service Commission received Windstream Kentucky West, LLC's ("Windstream West") and Windstream Kentucky East, LLC's ("Windstream East") request for confidential treatment of their respective Annual High Cost Certifications and Reports. In support of the motion, Windstream West and Windstream East each state that this information contains details on proposed network upgrades and modernization plans, information on competitive pricing and certain information on operational planning. The company's state that this information qualifies as proprietary as it is related to network infrastructure and operating costs, which would qualify as permitting an unfair commercial advantage to competitors, if publicly disclosed.

Having reviewed the information contained within the Petition and applicable law, the Commission has determined that the information contained therein is entitled to protection and, therefore, the request is **GRANTED**, in part and **DENIED**, in part.

The Commission shall **DENY** protection to page 1 of each certification and report, as submitted by Windstream West and Windstream East. Page 1 of each certification and report contains each company's estimated federal universal service fund disbursements for 2011. The Commission finds that this information is publicly available and is not entitled to protection under KRS 61.878.

But as to the remainder of each certification and report, the Commission finds that public knowledge of the information contained therein would qualify as causing competitive harm, if disclosed. <u>See</u> KRS 61.878, *et al.* Therefore, the request for confidential treatment is **GRANTED**.

As for the portion of the petition which been **GRANTED** confidential treatment, the Commission will withhold the protected information from public inspection. If the information that has been granted protection becomes publicly available or no longer warrants confidential treatment, you are required by 807 KAR 5:001, Section 7(9)(a), to inform the Commission so that the information may be placed in the public record.

As for the information that has been **DENIED** protection, it will be withheld from public inspection for 20 days from the date of this letter in accordance with 807 KAR 5:001. If you disagree with the Commission's decision, you may seek a rehearing with the Commission within 20 days of the date of this letter under the provisions of KRS 278.400. If rehearing is not sought, the companies shall provide a redacted version of each certification and report within 20 days of the date of this letter.

Sincerely cutive Director

JD/tjb