

Kentucky Office
12802 Townepark Way
Suite 200
Louisville, KY 40243
Tele: (502) 425-2424
Fax: (502) 425-9724



West Virginia Office
633 Seventh Street
Huntington, WV 25701
(304) 522-6658
(304) 522-7722

RECEIVED

SEP 30 2022

PUBLIC SERVICE
COMMISSION

September 30, 2022

VIA ELECTRONIC MAIL: psced@ky.gov

Kentucky Public Service Commission
Linda C. Bridwell, Executive Director
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602

**Re: New Cingular Wireless d/b/a AT&T Mobility 2022 ETC Certification
Administrative Case No. 381**

Dear Ms. Bridwell:

New Cingular PCS LLC d/b/a AT&T Mobility ("AT&T Mobility") hereby submits this Read 1st cover letter for its filing in this case of its 2022 Eligible Telecommunications Carrier certification. Also being filed are AT&T Mobility's Petition for Confidential Treatment of Confidential Attachment A-1. We are filing the affidavit of Cara Fields in support of the motion, as well as Confidential Attachment A-1. The filing is being made by electronic mail only in accordance with the Commission's March 16, 2020 and April 16, 2020 Orders in Case No. 2020-00085 given the confidential material being filed

Please do not place Confidential Attachment A-1 in the public files of the Commission pending resolution of AT&T Mobility's Petition for Confidential Treatment.

If you have any questions or need further information, please contact me at the Louisville office listed above Thank you for your assistance and attention to this matter.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Cheryl R. Wain", is written above a horizontal line.

FILING NOTICE AND CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing has been filed via the Commission's confidential email system at psced@ky.gov. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085, a paper copy of this filing has not been transmitted to the Commission.



COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

A CERTIFICATION OF THE CARRIERS)
RECEIVING FEDERAL UNIVERSAL SERVICE) Administrative Case No. 381
HIGH-COST SUPPORT)

**AFFIDAVIT OF CARA FIELDS IN SUPPORT OF
PETITION OF AT&T MOBILITY (SAC 269905)
FOR CONFIDENTIAL TREATMENT**

Cara Fields, being first duly sworn on oath, states as follows:

1. I currently serve as a Vice President / General Manager for AT&T Mobility Corporation, the manager for New Cingular Wireless PCS, LLC d/b/a AT&T Mobility ("AT&T Mobility" or "Company"). In this capacity, I have personal knowledge of the matters set forth in this affidavit and am authorized to make this affidavit on behalf of AT&T Mobility.
2. AT&T Mobility is requesting confidential treatment of spreadsheets describing the location of the Company's cell sites, proposed service improvement projects and the estimated locations and costs associated with such improvements (**Confidential Attachments A-1 and A-2**).
3. All information in **Confidential Attachments A-1 and A-2** is confidential, proprietary, and/or trade secret information that would aid competitors of AT&T Mobility.
4. All information in **Confidential Attachments A-1 and A-2** addresses the Company's network infrastructure, build out plans and operating costs. This information,

9. AT&T Mobility committed to annually report the number of requests for service from potential customers within its designated ETC service area that were unfulfilled. The Company has adopted the calendar year as the time period for purposes of this report. Accordingly, for the time period January 1, 2021 through December 31, 2021, the Company experienced 0 requests for service that the Company was unable to satisfy.

C. Complaints Per 1,000 Customers

10. The Company is also required to annually report the number of complaints per 1,000 customers. The Company has adopted the calendar year as the time period for purposes of this report. For the time period January 1, 2021 through December 31, 2021, the Company received 0.461 complaints per 1,000 customers statewide from the Attorney General, Better Business Bureau, and the FCC.

The matters addressed above are within my personal knowledge and are true and correct.

AT&T Mobility



Cara Fields
Vice President/General Manager

Subscribed and sworn to before me
this 1 day of September, 2022.

Eugenia Shakir
Notary Public

My Commission expires: May 18, 2026



**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

IN THE MATTER OF:

A CERTIFICATION OF THE CARRIERS
RECEIVING FEDERAL UNIVERSAL SERVICE
HIGH-COST SUPPORT

Administrative Case No. 381

**PETITION OF AT&T MOBILITY
(SAC 269905) FOR CONFIDENTIAL TREATMENT**

Pursuant to KRS 61.878 (1)(c)(1), KAR 5:001 Section 13, and 807 KAR 5:001 Section 22, New Cingular Wireless PCS, LLC d/b/a AT&T Mobility (“AT&T Mobility”) respectfully submits this Petition for Confidential Treatment and Request for Deviation from Filing Requirements, for Attachment A-1 to the Certification and Report (“Certification”).¹ The Petition is supported by the attached Affidavit of Cara Fields (“Fields Affidavit”).

While public records generally are open for inspection, *see* KRS §61.872(1), several exceptions exist. *See Id.* One such exception is that information “records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records,” is subject to inspection “only upon order of a court of competition jurisdiction” *See* KRS §61.878(1)(c)(1). As explained below, Attachment A-1 to AT&T Mobility’s Certification is entirely comprised of confidential and proprietary information, including the Company’s network infrastructure, proposed service

¹ As it has done in past years, AT&T Mobility is providing the original of its Kentucky Service Improvement Plan (2022 Projection) (“**Confidential Attachment A-1**”). As all of the information in this attachment is confidential and proprietary, the public version of this attachment would provide “The entire document is proprietary. There is no edited version.”

improvements, build out plans, and operating costs, that is exempt from inspection. AT&T Mobility, therefore, requests that the Commission afford Confidential Treatment to Attachment A-1² for a period of ten (10) years. After the expiration of the requested confidential period the confidential information would be sufficiently dated so that its public disclosure would no longer afford a competitive advantage to competing wireless providers. If the information in Attachment A-1 becomes publicly available because it is no longer competitively sensitive, AT&T Mobility will inform the Commission in writing and have its confidential status removed. 807 KAR 5:001 Section 13(10)(b).

The information for which confidential treatment is sought is neither generally known outside AT&T Mobility, nor is it provided to the public. The internal use of this information is restricted to only those employees who have a legitimate business reason for reviewing it, and AT&T Mobility attempts to control the dissemination of this information through all reasonable means, including this Petition. Fields Affidavit, ¶5. ¶

Wireless providers such as AT&T Mobility operate in a highly competitive market. The Company's competitors include T-Mobile and Verizon. The information in Attachment A-1 to be protected, if disclosed, would provide competitors and potential competitors with important proprietary information about AT&T Mobility and its operations, which competitors would be unable to obtain otherwise. Fields Affidavit, ¶4. Armed with this information, a competitor could develop entry, marketing, or other strategies, which would likely ensure it success in competing with AT&T Mobility. Further, in a competitive market, any information gained about a competitor can be used to that competitor's detriment. Such an unfair competitive advantage

² The Commission has recognized that information of this type previously submitted by American Cellular (*see* January 24, 2000, Order in Case No. 99-184) and AT&T Mobility (*see* letter dated January 26, 2011, in this docket) is entitled to Confidential Treatment.

skews the marketplace and prevents the development of true competition to the ultimate detriment of the consumer.

Granting this Petition, therefore, will serve the public interest because competition will be enhanced. AT&T Mobility seeks confidential protection for the entirety of Attachment A-1 given the pervasive nature of confidential information contained in the document. If the Commission disagrees, AT&T Mobility requests the Commission hold an evidentiary hearing to protect AT&T Mobility's due process rights and to supply the Commission with a complete record to enable it to reach a decision with regard to this matter. *See Utility Regulatory Comm'n v. Kentucky Water Service Co, Inc.*, 642 S.W.2d 591 (Ky. App. 1982).

Given AT&T Mobility has sought confidential treatment of the entirety of Attachment A-1, a redacted copy has not been filed or uploaded. To the extent required, AT&T Kentucky requests permission to deviate from filing requirements as described in 807 KAR 5:001 Section 13, pursuant to 807 KAR 5:001 Section 22.

Accordingly, for the reasons explained above, AT&T Mobility respectfully requests that the Commission issue an Order granting Confidential Treatment for a period of ten (10) years.

Respectfully submitted,

/s/ Cheryl R. Winn

Cheryl R. Winn
Waters Law Group, PLLC
12802 Townepark Way, Suite 200
Louisville, KY 40243
Telephone: (502) 425-2424
Facsimile: (502) 425-9724
Email: crwinn@waterslawgroup.com
COUNSEL FOR AT&T KENTUCKY