

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

**In the Matter of:**

<b>REVIEW OF FEDERAL COMMUNICATIONS</b>	)	
<b>COMMISSION'S TRIENNIAL REVIEW ORDER</b>	)	<b>CASE NO.</b>
<b>REGARDING UNBUNDLED REQUIREMENTS</b>	)	<b>2003-00379</b>
<b>FOR INDIVIDUAL NETWORK ELEMENTS</b>	)	

**PETITION FOR CONFIDENTIAL TREATMENT**

Kentucky ALLTEL, Inc. and ALLTEL Kentucky, Inc. (collectively herein "ALLTEL") move the Public Service Commission of Kentucky ("Commission") pursuant to K.R.S. §61.878(1)(c)(1) and 807 KAR 5:001, Section 7 to accord confidential treatment to the confidential and proprietary portions of its responses and attachments to ALLTEL's Responses to Interrogatories (collectively, the "Responses") and in support thereof state the following:

1. On October 1, 2003, AT&T Communications of the South Central States, LLC ("AT&T") propounded to ALLTEL AT&T's First Set of Interrogatories. In order to adequately respond to AT&T's Interrogatories, ALLTEL prepared Responses to AT&T's Interrogatories, which Responses include a forecast of loops in response to Interrogatory No. 25, the number of EELS in response to Interrogatory No. 60, the number of access lines in response to Interrogatory No. 61, the annual collocation revenues in response to Interrogatory No. 84, the number and percent of loops in Attachment C, and the number of access lines in Attachment E.

2. ALLTEL developed the Responses at its own expense and devoted substantial resources to compiling the underlying data making up the Responses. With respect to the Responses, the information includes, among other proprietary information, retail and wholesale customer proprietary information, which is treated as highly confidential by ALLTEL and its

affiliates. Further, the Responses contain information that has not been released publicly and is disclosed internally within ALLTEL on a need-to-know basis only and to the Commission only when required and only pursuant to a confidentiality agreement or enforceable order according to the information confidential treatment. ALLTEL employs all reasonable measures to protect the confidentiality of the proprietary information in the Responses and to guard against inadvertent, unauthorized disclosure. Further, ALLTEL is not entitled to publish such competitively sensitive information on behalf of its retail or wholesale customers.

4. K.R.S. §61.878(1)(c)(1) provides in pertinent part:

The following public records are excluded from the application of ...[the Open Records Act] and shall be subject to inspection only upon order of a court of competent jurisdiction ...

(c)1. ...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.

5. Public disclosure of the Responses would provide other entities an unfair competitive advantage by affording them access to proprietary customer information and market sensitive revenue and line information. Such information contained in the Responses is generally considered confidential and proprietary in the telecommunications industry.

6. The Responses also protected from disclosure pursuant to K.R.S. §61.878(1)(c)(2)(c) as confidential and proprietary records disclosed to the Commission in conjunction with the regulation of a commercial enterprise.

7. Filed with this Petition is one copy of the Responses that includes those portions that are confidential. Also filed are four copies of the Responses with the confidential information redacted.

8. Due to the highly confidential nature of the Responses as set forth herein, any diskette containing an electronic form of the unredacted Responses should not be duplicated under any circumstance and should be viewed only from the original diskette.

WHEREFORE, ALLTEL respectfully requests that the Responses be accorded confidential treatment and be placed in the confidential files of the Commission, that viewing of any diskette containing the unredacted Responses be restricted to only Commission and Staff involved in this proceeding, that no party to this proceeding including Commission Staff be permitted to duplicate any diskette containing the unredacted Responses, and that ALLTEL be accorded all other relief to which it may be entitled.

Dated: December 4<sup>th</sup>, 2003.

Respectfully submitted,

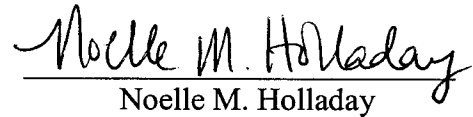
**KENTUCKY ALLTEL, INC. and  
ALLTEL KENTUCKY, INC.**

By: Noelle M. Holladay  
James H. Newberry, Jr.  
Noelle M. Holladay  
Wyatt, Tarrant & Combs, LLP  
Attorneys for Kentucky ALLTEL, Inc.  
1600 Lexington Financial Center  
Lexington, KY 40507-1746  
Telephone: (859) 233-2012  
Facsimile: (859) 259-0649

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Petition for Confidential Treatment and redacted Responses were served on parties participating in electronic transmission by electronic mail, and that all other parties on the attached service list were notified by letter of the filing of this document, and were given an opportunity to receive a paper copy of this document by making a request to the undersigned attorney.

This 4<sup>th</sup> day of December, 2003.

  
Noelle M. Holladay