

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOINT APPLICATION FOR APPROVAL ) CASE NO. 2006-00136  
OF THE INDIRECT TRANSFER OF )  
CONTROL RELATING TO THE MERGER )  
OF AT&T, INC. AND BELLSOUTH )  
CORPORATION )

**NUVOX COMMUNICATIONS, INC.'S  
PETITION FOR CONFIDENTIAL TREATMENT**

NuVox Communications, Inc. ("NuVox"), by counsel, pursuant to KRS 61.870 *et seq.* and 807 KAR 5:001, Section 7, *et seq.*, hereby respectfully requests confidential treatment of the information disclosed to Joint Applicants in response to Data Request No. 7 of Joint Applicants' Second Set of Data Requests to NuVox. As set forth fully below, the information contained therein represents confidential and proprietary information relating to NuVox's business, the disclosure of which would permit competitors an unfair advantage.<sup>1</sup>

1. On May 16, 2006, Joint Applicants submitted their Second Set of Data Requests to NuVox.
2. In accordance with this Commission's Order of April 12, 2006, NuVox responded to all fifteen (15) of such Data Requests on May 23, 2006. However, NuVox withheld full response to Data Request No. 7 because of the confidential and proprietary nature of the information requested therein.

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<sup>1</sup> Consistent with the Commission's Rule, one (1) copy of NuVox's confidential and proprietary information is produced herewith on yellow paper. Further, ten (10) redacted copies are also produced.

3. Specifically, Data Request No. 7 of Joint Applicants' Second Set of Data Requests to

NuVox stated in its entirety:

**DATA REQUEST NO. 7:** On Page 12 of NuVox's Responses to Joint Applicants' Initial Data Requests, you contend that the merger will have a "significant impact" on NuVox who relies "in whole or in part on the network owned and controlled by the Joint Applicants." Identify by location end points each and every facility you currently purchase from AT&T in Kentucky which you believe will be impacted as a result of the merger.

4. The identification of facilities purchased by NuVox from its competitors and all other information relating to the structure and architecture of NuVox's network and systems constitutes highly confidential and propriety information qualifying for confidential treatment and protection from public disclosure pursuant to KRS 61.878. NuVox internally disseminates such information only on a limited basis to employees who have a need-to-know for the performance of legitimate business purposes and NuVox attempts to control the disclosure of such information through all reasonable means.

5. Consistent with the foregoing, NuVox did not agree to provide its Response to Data Request No. 7 to the Joint Applicants until the parties had completed negotiations toward entry of a Protective Agreement and that document was fully executed by all parties involved. The complete culmination of that process did not occur until May 25, 2006 when Joint Applicants submitted their final disclosure of persons who would be reviewing information deemed confidential by a disclosing party.

6. Information relating to the facilities purchased by NuVox from AT&T or from any other competitor, and the locations of such facilities, gives insight into NuVox's competitive decision-making regarding the structure and architecture of NuVox's network and systems. Such information, if openly disclosed, would permit an unfair commercial advantage to NuVox's competitors in the Kentucky

telecommunications market. Thus, such information is deserving of protection under KRS 61.878(1)(c)(1).

7. Wherefore, NuVox respectfully requests that this Commission issue an Order granting confidential treatment to the information disclosed pursuant to NuVox's Response to Data Request No. 7 of Joint Applicants' Second Set of Data Requests.

Submitted to and filed with the Kentucky Public Service Commission this 30th day of May, 2006.

Respectfully submitted,

/s/ Henry S. Alford

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COUNSEL FOR NUVOX  
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CERTIFICATE OF SERVICE

Counsel for Movant, NuVox Communications, Inc., hereby certifies that a true and accurate electronic copy of this filing was transferred to the Commission via the Electronic Filing Center this 30th day of May, 2006 and filed in hardcopy document form with the Commission also on the 30th day of May, 2006. Further, consistent with the Commission's Order of April 12, 2006, notice of the filing of this Motion was served via electronic mail on all parties of record. Parties of record can access the information at the Commission's Electronic Filing Center located at <http://psc.ky.gov.efs/efsmain.aspx>.

/s/ Henry S. Alford

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