

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION INTO THE INTRASTATE)	ADMINISTRATIVE
SWITCHED ACCESS RATES OF ALL)	CASE NO.
KENTUCKY INCUMBENT AND COMPETITIVE)	2010-00398
LOCAL EXCHANGE CARRIERS)	

PETITION FOR CONFIDENTIALITY OF
BELLSOUTH TELECOMMUNICATIONS, INC. D/B/A AT&T KENTUCKY
AND AT&T COMMUNICATIONS OF THE SOUTH CENTRAL STATES, LLC

Petitioners, BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky and AT&T Communications of the South Central States, LLC (collectively, "AT&T"), by counsel, hereby move the Public Service Commission of the Commonwealth of Kentucky (the "Commission"), pursuant to KRS 61.878 and 807 KAR 5:001, § 7, to classify as confidential the highlighted information in their Responses to (1) the RLECs' Initial Data Requests to AT&T, (2) SE Acquisitions, LLC d/b/a SouthEast Telephone's First Set of Data Requests to AT&T, (3) Data Requests to ILECs by TWTC, Level 3, and PAETEC, (4) Verizon's First Set of Data Requests to BellSouth Telecommunications Inc. d/b/a AT&T Kentucky, and (5) Windstream Kentucky East, LLC and Windstream Kentucky West, LLC's Data Requests to BellSouth Telecommunications, Inc., d/b/a AT&T Kentucky and AT&T Communications of the South Central States, LLC. The material that is highlighted contains company specific market and financial information of AT&T and other carriers.

The Kentucky Open Records Act exempts certain information from the public disclosure requirements of the Act, including confidential and/or proprietary information, the disclosure of which would permit an unfair commercial advantage to competitors. KRS 61.878(1)(c)1. To qualify for the commercial information exemption and, therefore, keep the information confidential, a party must establish that disclosure of the commercial information would permit an unfair advantage to competitors and the parties seeking confidentiality if openly discussed. KRS 61.878(1)(c)1; 807 KAR 5:001 § 7. The Commission has taken the position that the statute and rules require the party to demonstrate actual competition and the likelihood of competitive injury if the information is disclosed.

The information for which AT&T seeks confidentiality contains carrier-specific marketing, financial and market share information. Specifically, the information that is highlighted or copied on yellow paper in AT&T's responses to the RLECs Data Requests 3 and 5; to SouthEast Telephone's Data Request 2 and 4; to TWTC, Level 3, and PAETEC's Data Requests 1, 2, and 3; to Verizon's Data Requests 7, 8, 9, and 11; and to Windstream's Data Requests 1, 2, 3 and 4 is information related to or derived from AT&T's and other carriers' company-specific data regarding their billings, revenues, local and switched access minutes of use, and market share. This data contains market sensitive information that could compromise both AT&T and other carriers in their competitive positions in their respective markets.

Public disclosure of the identified information would provide competitors that provide services similar to AT&T and these other carriers, namely CLECs, IXCs, and

other competitors, with an unfair competitive advantage. The Commission should also grant confidential treatment to the information for the following reasons:

(1) The information for which AT&T is requesting confidential treatment is not known outside of AT&T or the other respective carriers;

(2) The information is not disseminated within AT&T and is known only by those of AT&T's employees who have a legitimate business need to know and act upon the information;

(3) AT&T seeks to preserve the confidentiality of this information through appropriate means, including the maintenance of appropriate security at its offices; and

(4) By granting AT&T's petition, there would be no damage to any public interest.

For the reasons stated herein, the Commission should grant AT&T's request for confidential treatment of the identified information.

Respectfully submitted,



Mary K. Keyer
601 West Chestnut Street, Room 407
Louisville, KY 40203
(502) 582-8219
mary.keyer@att.com

Demetrios G. (Jim) Metropoulos
Mayer Brown LLP
71 South Wacker Drive
Chicago, IL 60606
(312) 701-8479
demetro@mayerbrown.com

COUNSEL FOR AT&T

924253