

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, LLC. D/B/A AT&T KENTUCKY  
AND AT&T COMMUNICATIONS OF THE SOUTH CENTRAL STATES, LLC

Petitioners, BellSouth Telecommunications, LLC d/b/a AT&T Kentucky, AT&T Communications of the South Central States, LLC, BellSouth Long Distance, Inc., d/b/a AT&T Long Distance Service, and TCG Ohio (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 the Direct Testimony of Dr. Debra J. Aron and the Direct Testimony of Dr. Ola A. Oyefusi, filed on behalf of AT&T. The material that is highlighted contains company specific market and financial information of several Parties and AT&T.

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 on Pages 33, 36, 37, 38, 39, 40, 47, 50, 54, and 55, and Exhibit DJA-2 of Dr. Aron's Direct Testimony, and on Pages 9, 17, 37, 44, 45, 47, and 50, and Exhibit OAO-6 of Dr. Oyefusi's Direct Testimony is information related to or derived from company-specific data regarding the revenues, local switching minutes, access line counts, and/or switched access charges and/or expenses of AT&T, the RLECs, the TDS Telecom companies, Cincinnati Bell, the Windstream companies, Frankfort Plant Board, and/or tw telecom of kentucky. In addition, the information highlighted on those pages and in those Exhibits is information regarding or derived from these companies' specific data regarding their local or long distance business, specifically, their intrastate and/or interstate access costs, expenses and revenues, including access revenue shifts, toll pricing, and toll revenues. This data contains market sensitive information that could compromise each of these companies 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 companies, namely ILECs, 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 these companies to the best of AT&T's knowledge;

(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,



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

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