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December 5, 2011

ELECTRONIC FILING

Jeff DeRouen
Executive Director
Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40601

*RE: Case No. 2010-00398—Investigation of Switched Access Rates
Confidentiality of Third Party Information cited in Verizon's Rebuttal
Testimony*

Dear Mr. DeRouen:

This is in reply to your November 29, 2011 letter stating the Commission will deny confidential treatment for certain data included in the rebuttal testimony of Don Price of Verizon. I believe the letter may have been sent as the result of a misunderstanding of the confidential information at issue.

Portions of Verizon's testimony are confidential because they cite data supplied *by other parties to this investigation* that filed motions for confidential treatment. Under the Commission's rules, those parties had the burden to prove material was eligible for confidential treatment. *See* 807 KAR 5:001, Section 7 (d). The Verizon rebuttal testimony did not include any confidential Verizon data. If it had, Verizon would have filed a motion.

Moreover, by the time Verizon filed its rebuttal testimony the Commission had already granted confidential treatment for cost data of the carriers whose access rates are at issue (*e.g.*, Cincinnati Bell, Windstream, and various rural local exchange carriers) and whose data was cited by Verizon. For example, by letter to Douglas E. Hart dated September 16, 2011, the Commission determined that Cincinnati Bell's access revenue data met the criteria for confidential protection.

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Verizon did not file a petition for confidential treatment, but the Commission had already addressed the matter. Rather, Verizon is party to a non-disclosure agreement with the companies that had provided information in discovery, and redacted portions of its testimony because the non-disclosure agreement required it.

Please let me know if there are any questions or if you believe further action is required. Parties to this case will receive a copy of this letter from the Commission's online filing system.

Very truly yours,

STOLL KEENON OGDEN, PLLC

A handwritten signature in black ink, appearing to read "Douglas F. Brent". The signature is stylized with a long horizontal stroke extending to the right.

Douglas F. Brent