

**BEFORE THE KENTUCKY  
PUBLIC SERVICE COMMISSION**

In the Matter of:

Application of BellSouth	)	
Telecommunications, LLC for Declaratory	)	
Order Regarding Interconnection with	)	Case No. 2015-00227
Central Kentucky Network for 911/E911	)	
Services to Public Safety Answering Points	)	

**AT&T KENTUCKY’S PETITION FOR CONFIDENTIALITY**

Petitioner BellSouth Telecommunications, LLC, d/b/a AT&T Kentucky (“AT&T Kentucky”), by counsel, hereby moves the Public Service Commission of the Commonwealth of Kentucky (the “Commission”), pursuant to KRS 61.878 and 807 KAR 5:001 §13, to classify as confidential information that is highlighted in yellow or copied on yellow paper in their Response to Lexington-Fayette Urban County Government’s Initial Requests for Information No. 2, Attachment 3 (Louisville Metro Safe Special Service Arrangement Agreement and Addendum Agreement) (hereinafter the “Confidential Information”). Additionally, pursuant to 807 KAR 5:001 §13(2)(a) and 13(3)(e), one (1) copy of the Proprietary Version of AT&T Kentucky’s Responses to Lexington-Fayette Urban County Government’s Initial Requests for Information, highlighted or copied on yellow paper and otherwise marked “Confidential” and/or “Proprietary” is being filed with this petition. If and to the extent the Confidential Information becomes generally available to the public, AT&T Kentucky will notify the Commission and have the Confidential Information’s confidential status removed. *See* 807 KAR 5:001 §13(2).

The Confidential Information that is highlighted or copied on yellow paper contains contract provisions and pricing for services associated with the agreement. The Confidential

Information is commercially sensitive and proprietary information belonging to AT&T Kentucky that competitors could unfairly use for commercial advantage.

The Kentucky Open Records Act exempts certain information from 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 the 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 §13. 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 Confidential Information for which AT&T Kentucky seeks confidentiality contains contract provisions and pricing information. This Confidential Information is commercially sensitive information that AT&T Kentucky's competitors could use it for their commercial advantage. Public disclosure of the identified Confidential Information would provide competitors that provide services similar to that of AT&T Kentucky with an unfair competitive advantage, i.e., giving them the ability to tailor their competitive efforts in light of the Confidential Information.

The Commission should also grant confidential treatment to the Confidential Information for the following reasons:

- (1) The Confidential Information for which AT&T Kentucky is requesting confidential treatment is not known outside of AT&T;

(2) The Confidential 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 Confidential Information through appropriate means, including the maintenance of appropriate security at its offices; and

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

For the forgoing reasons, the Commission should grant AT&T Kentucky's request for confidential treatment of the identified Confidential Information.

Respectfully submitted,

/s/ Cheryl Winn  
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**FILING NOTICE AND CERTIFICATE**

The undersigned hereby certifies that the foregoing is a true and accurate copy of the same document being filed in paper medium with the Commission within two business days; that the electronic filing was transmitted to the Commission on April 7, 2016; and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.

/s/ Cheryl R. Winn