

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

**APPLICATION OF COMPETITIVE CARRIERS OF)
THE SOUTH, INC. FOR A DECLARATORY ORDER)
AFFIRMING THAT THE INTERCONNECTION)
REGIMES UNDER KRS 278.530 AND 47 U.S.C. § 251)
ARE TECHNOLOGICALLY NEUTRAL)**

**CASE NO.
2015-00283**

MOTION FOR CONFIDENTIAL TREATMENT

Comes now the Competitive Carriers of the South, Inc., (“CompSouth”), by counsel, pursuant to KRS 61.878, 807 KAR 5:001, Section 13 and other applicable law, and for its Motion requesting that the Kentucky Public Service Commission (“Commission”) afford confidential treatment to a portion of the Rebuttal Testimony of Joseph Gillan (“Rebuttal Testimony”) tendered simultaneously herewith in the above-captioned proceeding, respectfully states as follows:

1. On Page 6 Line 10 of the Rebuttal Testimony, the analysis of confidential information provided by AT&T regarding the amount of consumer lines that are served by IP technology is mentioned. This amount was derived from information that is subject to a Confidentiality Agreement between AT&T and CompSouth. This Confidentiality Agreement arose during the course of AT&T’s supplemental response to CompSouth’s data requests in this matter.

2. AT&T’s supplemental response filed with the Commission stated this information would be provided to CompSouth once a Confidentiality Agreement had been signed.¹

¹ It does not appear that AT&T ever actually filed this confidential information with the Commission.

CompSouth and AT&T entered into a Confidentiality Agreement on January 18, 2017, after which AT&T provided this information to CompSouth.

3. Only CompSouth's expert witness has reviewed the confidential information. Without the Confidentiality Agreement, the Confidential Information would not otherwise be in the possession of CompSouth's expert witness. Moreover, CompSouth's expert witness has been advised that the open disclosure of this Confidential Information would, according to AT&T, allow competitors of AT&T to gain an unfair commercial advantage.²

4. KRS 61.878(1)(c)(1) protects "records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records." In light of the Confidentiality Agreement with AT&T, and in accordance with the provisions of 807 KAR 5:001, Section 13(2), CompSouth is filing, in a separate sealed envelope marked confidential, one (1) copy of the Rebuttal Testimony, with the Confidential Information highlighted. A redacted copy of the Rebuttal Testimony is being tendered simultaneously herewith.

5. In accordance with the provisions of 807 KAR 5:001, Section 13(2), CompSouth respectfully requests that the Confidential Information be withheld from public disclosure for ten (10) years.

6. If, and to the extent, the Confidential Information becomes publicly available or otherwise no longer warrants confidential treatment, CompSouth will notify the Commission and have its confidential status removed, pursuant to 807 KAR 5:001 Section 13(10).

² CompSouth does not concede that the information provided by AT&T, or its own expert's analysis, of that information is confidential.

WHEREFORE, on the basis of the foregoing, CompSouth respectfully requests that the Commission classify and protect as confidential the specific Confidential Information described herein for a period of ten (10) years.

This 17th day of February, 2017.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that foregoing electronic filing is a true and accurate copy of the document being filed in paper medium; that the electronic filing was transmitted to the Commission on February 17, 2017; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that a copy of the filing in paper medium is being hand delivered to the Commission on this the 17th day of February.



Counsel for Competitive Carriers of the South, Inc.