

The Confidential Information that is highlighted in yellow in: (1) AT&T Kentucky's Responses to KPSC Staff's First Request for Information to BellSouth Telecommunications, LLC d/b/a AT&T Kentucky – Response to Item 1, (2) AT&T Kentucky's Responses to KPSC Staff's Requests for Information to Parties that Received Payment from KUSF – Response to Item 1, Attachment 1 (pages 1-27); and (3) AT&T Kentucky's Responses to KPSC Staff's Requests for Information to Parties that Received Payment from KUSF – Response to Item 2, Attachment 2 (odd numbered pages from 1 thru 52) contains AT&T Kentucky proprietary customer access line information and the number of Lifeline customers in the AT&T Kentucky service area. The Confidential Information is commercially sensitive and proprietary information belonging to AT&T Kentucky and release of the Confidential Information would provide competitors with an unfair commercial advantage and by providing them with information on AT&T Kentucky's access lines and valuable potential market opportunity information for customers in AT&T Kentucky's service area.

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 confidential access line counts and potential market opportunity 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 to target AT&T Kentucky Lifeline customers in AT&T Kentucky's service area.

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 generally 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
Waters Law Group, PLLC
12802 Townepark Way, Suite 200
Louisville, KY 40243
Telephone: (502) 425-2424
Facsimile: (502) 425-9724
crwinn@waterslawgroup.com

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 27, 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