

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of

An Inquiry Into The State
Service Universal Fund

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No. 2016-00059

Telrite Corporation’s Motion for Confidential Treatment of Information

Telrite Corporation d/b/a Life Wireless (“Telrite”) respectfully submits this Motion pursuant to 807 KAR 5:001 § 13, for confidential treatment of certain information relating to its Response to the Commission’s 5/11/20 Requests for Information in this case. In support of this Motion, Telrite states as follows:

1. On this date, Telrite filed with the Commission its Responses to the Commission’s 5/11/20 Requests for Information (“1 PSC __”).
2. Commission’s Request for Information No. 2 requested information for January and February 2020 regarding the percentage of Lifeline customers that exceeded the monthly 1,000 voice minutes or 3 GB of data, and to provide the same information for March and April 2020.
3. Telrite is seeking confidential treatment for the information contained in the response to 1 PSC 2. This response has been redacted in the publicly-filed copy and a redacted copy has also been attached to this Motion. This response (1 PSC 2) contains confidential and propriety information regarding Life Wireless customers. The information in Response to 1 PSC 2 for which Telrite seeks confidential treatment is not publicly disseminated, and public disclosure of this information would harm Telrite.

4. There is a risk of serious business injury if the numbers in the Response to 1 PSC 2 are disclosed. Such disclosure could create incentives for competitors and suppliers to undercut efforts by Telrite to acquire or retain subscribers or to negotiate favorable terms with underlying carriers. The telecommunications market is highly competitive, especially Commercial Mobile Radio Services (“CMRS”), as subscribers often have multiple carriers from which to choose. As a result, KRS 278.5461(1) recognizes that the provision of CMRS in Kentucky is market-based and not subject to regulation.

5. Telrite should not be forced to share this information publicly to its possible detriment, particularly since the data is being requested to assist the Commission in its consideration of possible changes in reimbursement from the Kentucky Universal Services Fund.

6. Under KRS 61.878(1)(c)(1), commercial information generally recognized as confidential is protected if disclosure would cause competitive injury and permit competitors an unfair commercial advantage. Public disclosure of the information in the identified Response may cause competitive harm to Telrite and its affiliates could cause a reduction in competition, and may give competitors an unfair commercial advantage.

7. The information redacted from this Response is treated as confidential by Telrite and its affiliates; even among employees it is not disseminated to those who do not have a business reason to use the information.

8. If the Commission’s tentative assessment is that the identified redacted Response is not exempt from disclosure as confidential commercial information, it must hold an evidentiary hearing to protect Telrite’s due process rights and permit an opportunity to supply the Commission with a complete record to enable it to reach a decision with regard to this confidentiality request.

9. In compliance with 807 KAR 5:001, §§ 8(3) and 13(2)(a)(3) and the Commission's Orders in Case No. 2020-00085, Telrite is filing with the Commission one copy of the identified Response, entirely unredacted and with highlighting of the material for which confidential treatment is sought.

10. Section 13(2)(a)(2) of 807 KAR 5:001 provides that a motion for confidential treatment shall state the time period in which the material should be treated as confidential and the reasons for this time period. Movant respectfully submits that five (5) years from the date of the filing of Telrite's Response to the Commission's 5/11/20 Requests for Information is a reasonable period of time for the material in this Response to be treated as confidential in the light of competitive conditions in the telecom industry.

WHEREFORE, Telrite Corporation d/b/a Life Wireless respectfully requests that the Commission grant confidential treatment of the information described herein and shown as redacted on the attached publicly-filed Motion Exhibit.

Respectfully submitted,

/s/ Kathryn A. Eckert

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Request

2. For January and February 2020, provide the percentage of Lifeline customers that exceeded the monthly 1,000 voice minutes or 3 GB of data. Provide the same information for March and April 2020.
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Response

2. The percentage of Life Wireless' Lifeline customers who exceeded 1,000 voice minutes or 3 GB of data for the months in question is represented in the chart below. Confidential treatment for this information is requested from the PSC because it provides sensitive data that can be used by Life Wireless' competitors for an unfair competitive advantage if not afforded confidential treatment.

