

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:)
)
Electronic Investigation of the Proposed)
Pole Attachment Tariffs of Incumbent Local) Case No. 2022-00108
Exchange Carriers)

**PETITION FOR CONFIDENTIAL TREATMENT OF WINDSTREAM
KENTUCKY EAST, LLC AND WINDSTREAM KENTUCKY WEST, LLC OF
ANSWERS TO KBCA'S SUPPLEMENTAL REQUESTS FOR INFORMATION**

Come Windstream Kentucky East, LLC, and Windstream Kentucky West, LLC (collectively, "Windstream"), by counsel, and pursuant to KRS 61.878(1), and 807 KAR 5:001, Sections 13 and 22, and hereby petition the Kentucky Public Service Commission ("Commission") for an order granting confidential treatment to Windstream's Response to KBCA's Request for Information ("RFI") Nos. 2-6, 2-7, 2-8 and 2-9. In support of this Petition, Windstream states as follows:

1. KBCA's RFI Nos. 2-6, 2-7, 2-8 and 2-9 request Windstream to "Provide the mathematical calculation showing the cost basis" for Windstream's \$75 field or engineering fee, \$125 pole application fee, \$400 one time agreement fee and \$15 pole removal verification fee. KBCA further requests Windstream to identify the "average time" and "cost of necessary materials" that factor into each calculation. In effect, KBCA is requesting detailed cost support for each of these fees.

2. Windstream is requesting confidential treatment for the detailed cost support for the \$75 field or engineering fee, \$125 pole application fee, \$400 one time agreement fee and \$15 pole removal verification fee.

3. The detailed cost support for the \$75 field or engineering fee, \$125 pole application fee, \$400 one time agreement fee and \$15 pole removal verification fee contains proprietary, confidential information that would aid competitors of Windstream, and such confidential and proprietary trade secret information is subject to protection from disclosure pursuant to Kentucky law.

4. KRS 61.878(1)(c)(1) exempts from release to the public, "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."

5. The detailed cost support for the Windstream fees is confidential, proprietary information. This information is not available to the public, nor should it be. The requested information is restricted to only those employees of Windstream who have a legitimate business reason to access the information and is protected internally by the company as confidential and proprietary information. This information, if released, can be used by Windstream's competitors to gain detailed information about Windstream's inner-workings, including cost data, and enable them to unfairly compete with Windstream. The release of this information could also place Windstream at a competitive disadvantage when negotiating future joint use agreements or when renewing already existing joint use agreements.

6. Providers of the services offered by Windstream, including wireless, retail and wholesale telephone services and telephone-related services, operate in a highly competitive marketplace where confidential information such as that contained in joint use agreements is closely guarded to insure it is not disclosed to competitors.

7. Disclosure of the confidential and proprietary detailed cost support for Windstream's fees would result in significant or irreparable harm to Windstream and its vendors with whom it has contracts by providing their competitors with non-reciprocal competitive advantage. No public purpose is served by the disclosure of such information and the regulations of the Commission contemplate the filing of such information under a confidentiality order.

8. Windstream requests that the detailed cost support for its fees remain confidential for a period of ten (10) years from the date of the conclusion of this proceeding, as the public disclosure of the proprietary and confidential information contained therein could be used to Windstream's competitive disadvantage through that time.

WHEREFORE, Windstream respectfully requests that the Commission enter all necessary orders granting confidential treatment of its detailed cost support for the above-described fees.

Dated: June 3, 2022

Respectfully submitted,

/s/ Robert C. Moore

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COUNSEL FOR WINDSTREAM
KENTUCKY EAST, LLC AND
WINDSTREAM KENTUCKY WEST, LLC

CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2022, I electronically filed the foregoing document using the Kentucky Public Service Commission's electronic system for filing, which sent notice of filing to counsel of record.

/s/ Robert C. Moore

VERIFICATION

STATE OF Arkansas)
COUNTY OF Pulaski)

The undersigned Amanda Brown being duly sworn, deposes and says that he/she is a Director - Wholesale Operations that he/she has personal knowledge of the matters set forth in the foregoing responses and exhibits, and that the answers contained therein are true and correct to the best of his/her information, knowledge and belief.

Amanda Brown

Subscribed and sworn to before me this 1st day of June, 2022, by Amanda Brown

My commission expires: 04/04/2026

Luis Aguirre
NOTARY PUBLIC

LUIS AGUIRRE
PULASKI COUNTY
NOTARY PUBLIC - ARKANSAS
My Commission Expires April 04, 2026
Commission No. 12887625