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November 16, 2009

Hon. John Hughes  
124 West Todd Street  
Frankfort, KY 40601

Re: **Confidentiality Request dated August 31, 2009 -**  
NPCR, Inc.  
PSC Administrative Case No. 381 (19000381)

Dear Mr. Hughes:

On August 31, 2009, the Kentucky Public Service Commission received NPCR, Inc.'s Petition to treat as confidential portions of its Annual High Cost Support Certification Report. NPCR seeks protection of information regarding its proposed capital improvement projects (Attachment A), a map of its proposed wireless facilities (Attachment B) and a summary of costs for single cell site operation in Kentucky (Attachment C). In support of its Petition, NPCR states that the information contained within that filing references proprietary information and trade secrets on its network infrastructure and build-out plans. NPCR argues that those details are confidential and would aid NPCR's competitors if this information became publicly available. NPCR argues that competitors could use the details to disadvantage NPCR's operation in the marketplace. For these reasons, NPCR states that its responses are entitled to confidential treatment under KRS 61.878 *et seq.* and 807 KAR 5:001, Section 7.

The Commission has determined that the information sought to be kept confidential for NPCR shall be **GRANTED, in part**, and **DENIED, in part**. The Commission shall **GRANT** confidential protection to Attachments A and C. The Commission has carefully analyzed the information contained within Attachments A and C and has determined that the information contained therein, if disclosed, would permit an unfair commercial advantage to NPCR's competitors and cause competitive injury.

For these reasons, the Commission finds that this information satisfies the standard for protection under KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 7, and, therefore, those portions of the request for confidentiality are **GRANTED**.

However, the Commission shall **DENY** confidential protection to Attachment B. The Commission finds that the information provided on the map does not contain details or data to warrant protection from public review. The Commission finds that the public availability of those details is not harmful to the business operations of NPCR and provides no competitive details to the public so as to justify confidential protection under KRS 61.878(1)(c)(1).

As for the information that has been **GRANTED** protection, the Commission will withhold the protected information contained in the current Petition from public inspection. If the information that has been granted protection becomes publicly available or no longer warrants confidential treatment, you are required by 807 KAR 5:001, Section 7(9)(a), to inform the Commission so that the information may be placed in the public record.

The information **DENIED** confidential treatment will be withheld from public inspection for 20 days from the date of this letter in accordance with 807 KAR 5:001. If you disagree with the Commission's decision, you may seek a rehearing with the Commission within 20 days of the date of this letter under the provisions of KRS 278.400. If you seek to contest this decision, you must file a redacted copy of the materials within the 20 days in order for the material in question to be withheld from the public records pending a review of any rehearing petition.

Sincerely,



Jeff Derouen  
Executive Director

JD/tjb