

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BELLSOUTH TELECOMMUNICATIONS, INC.	)	
D/B/A AT&T KENTUCKY	)	
	)	
COMPLAINANT	)	CASE NO.
V.	)	2006-00546
	)	
BRANDENBURG TELEPHONE COMPANY	)	
	)	
DEFENDANT	)	

O R D E R

On July 21, 2010, BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky (“AT&T Kentucky”) moved for reconsideration of the Commission’s decision on July 1, 2010, wherein AT&T Kentucky’s motion for confidential treatment was denied. AT&T Kentucky’s motion for confidential treatment was submitted on August 24, 2009. In that motion, the company sought protection, pursuant to KRS 61.878 and 807 KAR 5:001, Section 7, for the attachments to its Supplemental Response to Item No. 6 of defendant Brandenburg Telephone Company’s (“Brandenburg”) information requests dated February 8, 2007. The attachments contain a list of Brandenburg’s NPA-NXX, a summary of trunk groups between AT&T Kentucky and Brandenburg, and an Advanced Routing and Trunking System list which identifies a new Brandenburg NPA-NXX established in 2000.<sup>1</sup>

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<sup>1</sup> Motion for Confidentiality at 2. Filed August 24, 2009.

In the decision letter dated July 1, 2010, the Commission denied the request for confidential protection and stated:

Having reviewed the petition, the Commission finds that the request for confidential protection is denied. The Commission finds that the information provided in the Attachments is already available to competitors and is contained in the Local Exchange and Routing Guide. Therefore, the Commission declines to find that public knowledge of this information qualifies as permitting an unfair commercial advantage to competitors if disclosed. See KRS 61.878(1)(c)(1) and KRS 61.878(c)(2). Additionally, Commission declines to extend protection to the Attachments on the basis of 47 U.S.C. §222, as this information relates to wholesale carrier transactions and is not customer proprietary network information.

In seeking reconsideration, AT&T Kentucky outlines several arguments in favor of having protection granted. First, AT&T Kentucky argues that the attachments contain interoffice trunk group information which reveals actual network naming, details on the routing of traffic and network size. AT&T Kentucky states that this information is not available to competitors and, if made publicly available, would give competitors the advantage of details regarding AT&T Kentucky's network, thereby allowing them to provide recommendations to customers as to traffic routing based on selective exchange information. AT&T Kentucky argues that a competitor could use this network information to specifically build its customer base by performing a comparison to AT&T Kentucky's network (based on the trunk group details) and advertise that the competitor's network is superior while that competitor does not have to reveal that same information to AT&T Kentucky.

Additionally, AT&T Kentucky argues that allowing interoffice trunk group information and network routing and sizing information to be made publicly available creates network security concerns, as people acting with criminal intent or a desire to

cause social disruption could harm AT&T Kentucky's network very easily based on this data.<sup>2</sup>

Having reviewed the pleading and applicable law, the Commission finds that AT&T Kentucky has provided good cause and a proper legal argument for the Commission to reverse the July 1, 2010 decision to deny confidential treatment to its attachments. AT&T Kentucky's motion for reconsideration is granted and the request for confidential treatment of the attachments to its Supplemental Response to Item No. 6 of defendant Brandenburg's information requests dated February 8, 2007 is granted. The Commission finds that public knowledge of this information could qualify as permitting an unfair commercial advantage to competitors, pursuant to KRS 61.878(1)(c)(1). As AT&T Kentucky's petition is being granted confidential treatment, the Commission will withhold the protected information identified in the petition from public inspection. If the information that has been granted protection becomes publicly available or no longer warrants confidential treatment, AT&T Kentucky is 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.

IT IS HEREBY ORDERED that:

1. AT&T Kentucky's Motion for Reconsideration is granted.
2. AT&T Kentucky's petition for confidential treatment of the attachments to the Supplemental Response to Item No. 6 of defendant Brandenburg's information

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<sup>2</sup> Concerns about possible disruption to utility communications services by acts of terrorism allow a petitioner to seek confidential protection of information filed with an agency pursuant to KRS 61.878(1)(m)(1)(f). AT&T Kentucky does not specifically refer to potential terrorist acts, as defined in the statute, but rather general criminal acts or acts of social disruption.


requests dated February 8, 2007 is granted and shall be withheld from public inspection.

3. This proceeding is now closed and removed from the Commission's docket.

By the Commission

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AUG -4 2010  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
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