

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Brandenburg Telephone Company; Duo County)
Telephone Cooperative Corporation, Inc.; Highland)
Telephone Cooperative, Inc., Mountain Rural)
Telephone Cooperative Corporation, Inc.; North)
Central Telephone Cooperative Corporation; South)
Central Rural Telephone Cooperative Corporation, Inc.)
And West Kentucky Rural Telephone Cooperative)
Corporation, Inc.)
)
Complainants) Case No.
) 2007-00004
)
v.)
)
Windstream Kentucky East, Inc.; and)
Windstream Kentucky West, Inc.)
)
)
Defendants)

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PUBLIC SERVICE
COMMISSION

PETITION FOR CONFIDENTIAL TREATMENT

Windstream Kentucky East, LLC moves the Commission pursuant to 807 KAR 5:001, Section 7 and KRS 61.878 for an Order granting confidential treatment to the electronic supplemental transit services cost study filed as an exhibit to the testimony of Kerry Smith, as well as discrete references in Mr. Smith's testimony to the confidential information contained in the study.

The Information For Which Confidential Treatment Is Sought.

Windstream seeks confidential treatment for the electronic supplemental transit services cost study, including all assumptions, inputs and methodologies employed in the transit services costs study. Confidential protection also is sought for discrete references to the confidential

information contained in the study on page 10 of Mr. Smith's testimony. The study and the confidential information contained in the study are the subject of a non-disclosure agreement between the parties and a pending petition for confidential treatment.

The Statutory Standard.

KRS 61.878(c)(1) excludes from the Open Records Act:

"[r]ecords 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 present an unfair commercial advantage to competitors of the entity that disclosed the records.

This exception applies to the supplemental transit services cost study.

The Records Are Being Confidentially Disclosed To The Commission.

The information for which confidential protection is sought is being disclosed to the Public Service Commission in connection with data requests propounded by Commission staff and the parties to the this ongoing proceeding before the Commission. As such, it is both being disclosed to the Commission and is required by the Commission to be disclosed to it.

The Information Is Generally Recognized As Confidential and Proprietary.

The information for which confidential treatment is sought is "generally recognized as confidential or proprietary." The information regarding the transit services cost study is highly confidential and confidentiality is critical to Windstream's ability to provide competitive products. Dissemination of the requested information is restricted by the Windstream and it takes all reasonable measures to prevent its disclosure to the public as well as persons within the company who do not have a need for the information. Windstream takes steps to ensure that only a restricted list of employees have access to such information. This type of information is provided only to those employees who have a particular need to know the information.

None of the information for which confidential protection is sought is readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use. Moreover, no amount of independent research could reveal this level of detailed information to Windstream's competitors.

Disclosure Of The Information Will Result In An Unfair Commercial Advantage.

The wireline industry in Kentucky is highly competitive. In addition to Windstream, other wireline providers in Kentucky providing local exchange service in the areas served by Windstream include competitive local exchange carriers such as SouthEast Telephone, Inc. and Big Rivers Telephone, as well as Time-Warner Telephone and Insight Phone. If required to provide the information sought to be protected, Windstream's competitive position will be compromised. As a result, disclosure of the confidential information will result in a significant, non-trivial unfair commercial advantage to competitors of Windstream. *Southeastern United Medigroup, Inc. v. Hughes*, Ky. App., 952 S.W.2d 195, 199 (1997).

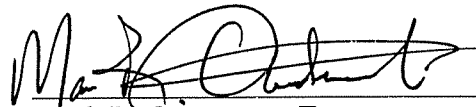
Public disclosure of information related to the transit services cost study would unfairly aid entities seeking to negotiate for the purchase of such services by providing them with Windstream's costs in providing such services. Indeed, this type of detailed cost information is closely protected by non-regulated entities because of the unfair competitive advantage it would give their competitors and customers. Moreover, certain of the responses may permit Windstream's competitors to (i) assess the relative efficacy of Petitioners' marketing and strategic business initiatives in Kentucky; and (ii) make strategic changes to their own business and marketing plans based upon Windstream's business performance as disclosed by the revenue data.

Windstream derives independent economic value from the subject information not being generally known to, and not being readily ascertainable by other persons who can obtain economic value from its disclosure or use. Accordingly, Windstream would be placed at a competitive disadvantage vis-à-vis other wireline providers if required to disclose the information publicly.

Wherefore, Windstream respectfully requests the Public Service Commission of Kentucky to protect from public disclosure the electronic supplemental transit services cost study, including all assumptions, inputs and methodologies employed in the transit services costs study, filed herewith.

This 17th day of July, 2009.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by United States First Class Mail, postage prepaid, on this 17th day of July, 2009 upon:

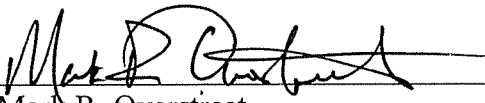
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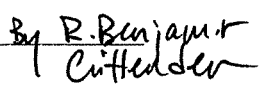
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