

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:)
)
Petition of Windstream Kentucky)
East, LLC for Arbitration of an)
Interconnection Agreement with New)
Cingular Wireless PCS, LLC, D/B/A)
AT&T Mobility) Case No. 2009-00246

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WINDSTREAM KENTUCKY EAST, LLC'S
PETITION FOR CONFIDENTIAL TREATMENT

Comes Windstream Kentucky East, LLC (“Windstream East”), by counsel, and pursuant to 807 KAR 5:001, Section 7, hereby petitions the Kentucky Public Service Commission (“Commission”) for an order granting confidential treatment to Windstream Kentucky East, LLC’s Responses to New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility’s First Data Requests (“Responses”), Items 51 and 60, as well as Exhibits A through M to its Responses. In support of its Petition, Windstream states as follows:

1. Windstream East is requesting confidential treatment for the Exhibits A through M attached to its Responses, as well as Items 51 and 60 of its Responses. These Exhibits and Items 51 and 60 of the Responses contain proprietary, confidential information that would aid competitors of Windstream East, if released, and such confidential and proprietary trade secret information is subject to protection from disclosure pursuant to Kentucky law. See KRS 61.870 et seq.

2. Windstream East’s Exhibits A through M and Items 51 and 60 of its Responses contain specific dollar figures relating to Windstream East’s cost study and therefore the costs of doing business in Kentucky. This information constitutes a trade

secret because it is commercial information, that if disclosed, could cause substantial competitive harm to Windstream East. This information is not publicly available. The financial information contained in Exhibits A through M and Items 51 and 60 of its Responses is based on highly confidential and proprietary Windstream network and traffic information, and represents highly confidential costs of providing service. It would be difficult, if not impossible, for someone to discover this information from other sources. If this information were available to competitors in this form, they could use it to the competitive disadvantage to Windstream East.

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

4. This information is not generally disclosed to non-management employees of Windstream and is protected internally by Windstream as confidential and proprietary information.

5. The disclosure of the confidential and proprietary information contained in the Exhibits A through M and Items 51 and 60 of its Responses would result in significant or irreparable harm to Windstream East by providing its 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.

6. Windstream East seeks confidential treatment for the entirety of Exhibits A through M and Items 51 and 60 of its Responses because all of the information contained in the same is highly confidential and proprietary financial information.

Pursuant to the above referenced statements, Windstream East requests that this information be deemed confidential by the Commission.

WHEREFORE, Windstream East respectfully requests that the Commission enter all necessary orders granting confidential treatment as requested herein.

Date: 9/25/09

Respectfully Submitted,

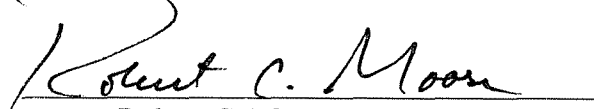
By: 

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was sent via hand delivery on this the 25th day of September, 2009 on Jeff R. Derouen, Executive Director, Public Service Commission, 211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky 40602-0615 and by first class mail, postage pre-paid on Mary K. Keyer, General Counsel/AT&T Kentucky, 601 West Chestnut Street, Room 407, Louisville, Kentucky 40203, on Paul Walters, Jr., 15 East 1st Street, Edmond, Oklahoma 73034, and on Tiffany Bowman, Public Service Commission, 211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky 40602-0615.


Robert C. Moore