

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF COMPETITIVE CARRIERS OF	)	
THE SOUTH, INC. FOR A DECLARATORY	)	
ORDER AFFIRMING THAT THE	)	CASE NO.
INTERCONNECTION REGIMES UNDER KRS	)	2015-00283
278.530 AND 47 U.S.C. § 251 ARE TECHNOLOGY	)	
NEUTRAL	)	

ORDER

On November 18, 2016, Cincinnati Bell Telephone company LLC ("CBT") filed a petition, pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection for a period of ten years to portions of CBT's responses to Competitive Carriers of the South, Inc.'s ("CompSouth") Information Requests ("CompSouth's First Request"), Items 4 and 5. The designated materials for which confidential protection is requested are more specifically described as:

- CBT's response to CompSouth's First Request, Item 4, which contains the number of switched access lines and facilities-based Voice over Internet Protocol ("VOIP") lines in Kentucky, separately for residential and business customers, for 2012, 2013, 2014, and 2015.
- CBT's response to CompSouth's First Request, Item 5, which contains the Federal Communications Commission ("FCC") Form 477 for 2012, 2013, 2014, and 2015, with the number of voice lines and VOIP subscriptions for the state of Kentucky.

In support of its petition requesting confidential treatment, CBT asserts that the designated materials are proprietary information that if publicly disclosed would place

CBT at a competitive disadvantage, and thus are exempt from public disclosure pursuant to KRS 61.878(1)(c)(1). CBT states that the FCC allows carriers to request that certain information contained in Form 477 be afforded confidential treatment, and that CBT always requests confidential treatment when it files its Form 477 with the FCC. CBT further states that the information requested in CompSouth's First Request, Items 4 and 5, are not publicly available at the FCC.

Having considered the petition and the materials at issue, the Commission finds that the designated materials contained in CBT's responses to CompSouth's First Request, Items 4 and 5, are generally recognized as confidential or proprietary, and if openly disclosed, could result in commercial harm to CBT. The materials therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

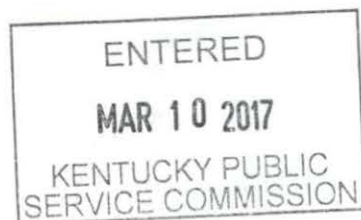
IT IS THEREFORE ORDERED that:

1. CBT's petition for confidential protection for designated materials contained in its responses to CompSouth's First Request, Items 4 and 5, is granted.
2. The designated materials set forth in CBT's responses to CompSouth's First Request, Items 4 and 5, shall not be placed in the public record or made available for public inspection for a period of ten years, or until further Orders of this Commission.
3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. CBT shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, then CBT shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If CBT is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow CBT to seek a remedy afforded by law.

By the Commission



ATTEST:

  
Executive Director

\*L Allyson Honaker  
Goss Samford, PLLC  
2365 Harrodsburg Road, Suite B325  
Lexington, KENTUCKY 40504

\*J. Tyson Covey  
Mayer Brown LLP  
71 South Wacker Drive  
Chicago, ILLINOIS 60606

\*Tony Taylor  
BellSouth Telecommunications, LLC dba AT&T  
601 W Chestnut Street  
4th Floor East  
Louisville, KY 40203

\*Carolyn Ridley  
Senior Director of State Public Policy  
Level 3 Communications  
2078 Quail Run Drive  
Bowling Green, KENTUCKY 42104

\*XO Communications Services, LLC  
13865 Sunrise Valley Drive  
Herndon, VA 20171

\*Windstream Communications, LLC  
4001 N Rodney Parham Road  
Little Rock, AR 72212

\*Cheryl Winn  
Waters Law Group, PLLC  
12802 Townepark Way, Suite 200  
Louisville, KENTUCKY 40243

\*Luke Morgan  
McBrayer, McGinnis, Leslie and Kirkland, PLLC  
201 East Main Street  
Suite 1000  
Lexington, KENTUCKY 40507

\*David S Samford  
Goss Samford, PLLC  
2365 Harrodsburg Road, Suite B325  
Lexington, KENTUCKY 40504

\*Level 3 Communications, LLC  
1025 Eldorado Blvd  
Broomfield, CO 80021

\*Dennis G Friedman  
Mayer Brown LLP  
71 South Wacker Drive  
Chicago, ILLINOIS 60606

\*EarthLink Business, LLC  
2851 Charlevoix Drive SE, Suite 209  
Grand Rapids, MI 49546

\*Douglas E Hart  
441 Vine Street, Suite 4192  
Cincinnati, OHIO 45202

\*Ted Heckman  
Managing Director, Regulatory & Government  
Cincinnati Bell Telephone Company  
221 E Fourth Street, Room 103-1170  
Cincinnati, OH 45202

\*Birch Communications, Inc.  
3060 Peachtree Road, Suite 1065  
Atlanta, GA 30305

\*Thomas M Payne, III  
BellSouth Telecommunications, LLC dba AT&T  
601 W Chestnut Street  
4th Floor East  
Louisville, KY 40203