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 INTERCONNECTION REGIMES UNDER KRS 278.530 AND 47 U.S.C. § 251 ARE TECHNOLOGY NEUTRAL

ORDER

On February 17, 2017, Competitive Carriers of the South, Inc. ("CompSouth") 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 a portion of the Rebuttal Testimony of Joseph Gillan ("Gillan Rebuttal Testimony"). The designated material for which confidential protection is requested is contained on page 6, line 10 of the Gillan Rebuttal Testimony, and is more specifically described as confidential information provided by BellSouth Telecommunications, LLC d/b/a AT&T Kentucky ("AT&T Kentucky") regarding the number of consumer lines that are served by Internet Protocol technology.

As a basis for its request, CompSouth states that the designated material was derived from confidential information provided to CompSouth by AT&T Kentucky pursuant to a confidentiality agreement executed by the parties. CompSouth further states that AT&T Kentucky would not have provided the designated material to CompSouth without the confidentiality agreement because, according to AT&T
Kentucky, public disclosure of the designated material would allow competitors of AT&T Kentucky to gain an unfair commercial advantage.

Having considered the petition and the material at issue, the Commission finds that the designated material contained in Gillan Rebuttal Testimony, page 6, line 10, is generally recognized as confidential or proprietary, and therefore meets the criteria for confidential treatment and is 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. CompSouth's petition for confidential protection for the designated material contained in Gillan Rebuttal Testimony, page 6, line 10, is granted.

2. The designated material contained in Gillan Rebuttal Testimony, page 6, line 10, 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 material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. CompSouth shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.

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

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

By the Commission

ATTEST:

Executive Director

ENTERED
MAY 08 2017
KENTUCKY PUBLIC SERVICE COMMISSION

Case No. 2015-00283
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