COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INQUIRY INTO THE STATE UNIVERSAL SERVICE FUND ) CASE NO. 2016-00059

ORDER

On September 15, 2016, KDDI America, Inc. ("KDDI America") filed a motion, pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, requesting that certain materials contained in its response to Commission Staff’s Second Request for Information ("Staff’s Second Request"), Item 1, Exhibit A, be afforded confidential treatment for an indefinite period of time. The designated materials are more particularly described as the total number of access lines KDDI America had in service in Kentucky, the amount of surcharge remitted to the Kentucky Universal Service Fund ("USF"), and the amount of reimbursement requested from Kentucky USF for providing Lifeline service, which is contained on Lines 1, 3, and 5, respectively, on the Commonwealth of Kentucky Universal Service Fund forms ("KUSF Form") submitted by KDDI America for January 2014 through June 2016.

In support of this motion, KDDI America argues that the designated materials on Lines 1, 3, and 5 of the KUSF Forms are commercially sensitive and proprietary information that provides potential competitive market opportunity information that competitors could use to target KDDI America’s customers in the service area. KDDI America asserts that public disclosure of the designated materials would permit an unfair commercial advantage to KDDI America’s competitors, and thus these materials
are generally recognized as confidential and are exempt from public disclosure pursuant to KRS 61.878(1)(c)(1).

Having carefully considered the petition and the materials at issue, the Commission finds that the designated materials on Lines 1, 3, and 5 of the KUSF Form are not materials that meet the criteria for confidential treatment under KRS 61.878(1)(c)(1). KRS 61.878(1)(c)(1) applies to material generally recognized as confidential or proprietary, which would permit an unfair commercial advantage to competitors if openly disclosed. The Commission finds that KDDI America has not established that disclosure of these materials could result in an unfair commercial advantage to its competitors, as the total number of KDDI America's subscriber lines is publicly available from other sources.

Pursuant to KRS 278.140, utilities are required annually to file with the Commission a report of gross earnings from intrastate business. In these reports, telecommunications carriers are required to report the number of access lines, as well as their annual revenue derived from intrastate business. KDDI America began filing these reports in 2007, has included the number of its access lines in the report, and has neither sought nor received confidential treatment for this information. These gross earnings reports are public records, available for public inspection. Therefore, because the information for which KDDI America seeks confidential protection is publicly available elsewhere, KDDI America has failed to demonstrate that designated materials meet the criteria for confidential treatment pursuant to KRS 61.878(1)(c)(1), and its request for confidential treatment of the designated materials should be denied.
IT IS THEREFORE ORDERED that:

1. KDDI America's motion for confidential protection for its response to Staff's Second Request, Item 1, Exhibit A, is hereby denied.

2. Within seven days of the date of this Order, KDDI America shall file a revised version of its response to Staff's Second Request, Item 1, Exhibit A, for which confidential protection was denied, reflecting as unredacted the information that has been denied confidential treatment.

3. The materials for which KDDI America's request for confidential treatment has been denied shall neither be placed in the public record nor made available for inspection for 20 days from the date of this Order in order to allow KDDI America to seek a remedy afforded by law.

By the Commission

ATTEST:

[Signature]

Executive Director

Case No. 2016-00059
Service List for Case 2016-00059

*Denotes Served by Email

NET TALK.COM, INC.
NET TALK.COM, INC.
1100 NW 163rd Drive, Suite 3
North Miami Beach, FL 33169

*MCC Telephony of the South, LLC d/b/a
MCC Telephony of the South, LLC d/b/a
One Mediacom Way
Mediacom Park, NY 10918

*Communications Venture Corporation d/b/a
Communications Venture Corporation d/b/a
1616 Directors Row
Fort Wayne, IN 46808

*Wireless Telecom Cooperative, Inc. d
Wireless Telecom Cooperative, Inc. dba
2317 West Chestnut Street
Louisville, KY 40211

*Pix Wireless, LLC
Pix Wireless, LLC
21346 Saint Andrews Blvd, Suite 225
Boca Raton, FL 33433

*UnityComm, LLC
UnityComm, LLC
101 E Main Street
P. O. Box 250
Syracuse, IN 46567

*Wireless Telecom Cooperative, Inc. d
Wireless Telecom Cooperative, Inc. dba
2317 West Chestnut Street
Louisville, KY 40211

*Pix Wireless, LLC
Pix Wireless, LLC
21346 Saint Andrews Blvd, Suite 225
Boca Raton, FL 33433

*UnityComm, LLC
UnityComm, LLC
101 E Main Street
P. O. Box 250
Syracuse, IN 46567

*T.V. Service, Incorporated
T.V. Service, Incorporated
2742 Hwy 550 E
Hindman, KY 41822

*ATC Outdoor DAS, LLC
ATC Outdoor DAS, LLC
10 Presidential Way
Woburn, MA 01801

*R. Brooks Herrick
Dinsmore & Shohl, LLP
101 South Fifth Street
Suite 2500
Louisville, KENTUCKY 40202

*Tempo Telecom, LLC
Tempo Telecom, LLC
2323 Grand Blvd, Suite 925
Kansas City, MO 64108

*ATC Outdoor DAS, LLC
ATC Outdoor DAS, LLC
10 Presidential Way
Woburn, MA 01801

*Leslie County Telephone Company, Inc
Leslie County Telephone Company, Inc.
22076 Main Street
P. O. Box 969
Hyden, KY 41749-0969

*Tempo Telecom, LLC
Tempo Telecom, LLC
2323 Grand Blvd, Suite 925
Kansas City, MO 64108

*Thacker-Grigsby Telephone Company, Inc
Thacker-Grigsby Telephone Company, Inc.
60 Communications Lane
P. O. Box 789
Hindman, KY 41822

*Lewisport Telephone Company, Inc.
Lewisport Telephone Company, Inc.
30 Pell Street
Lewisport, KY 42351

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

*IBFA Acquisition Company, LLC
IBFA Acquisition Company, LLC
353 Sacramento Street
Suite 1500
San Francisco, CA 94111

*Salem Telephone Company
Salem Telephone Company
221 East Main Street
P. O. Box 25
Salem, KY 42078-0025

*Denotes Served by Email
*Blue Jay Wireless, LLC
Blue Jay Wireless, LLC
5010 Addison Circle
Addison, TX  75001

*Velocity The Greatest Phone Company
Velocity The Greatest Phone Company Ever, Inc.
7130 Spring Meadows Drive West
Holland, OH  43528

*Honorable Douglas F Brent
Attorney at Law
Stoll Keenon Ogden, PLLC
2000 PNC Plaza
500 W Jefferson Street
Louisville, KENTUCKY  40202-2828

*Brandenburg Telecom, LLC
Brandenburg Telecom, LLC
200 Telco Drive
Brandenburg, KY  40108

*KDDI America, Inc.
KDDI America, Inc.
825 Third Avenue, 3rd Floor
New York, NY  10022

*Kentucky RSA #3 Cellular General Partnership,
Kentucky RSA #3 Cellular General Partnership,
2902 Ring Road
P. O. Box 5012
Elizabethtown, KY  42701

*Brandenburg Telephone Company, Inc.
Brandenburg Telephone Company, Inc.
200 Telco Road
P. O. Box 599
Brandenburg, KY  40108

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

*Kentucky RSA #4 Cellular General Partnership,
Kentucky RSA #4 Cellular General Partnership,
2902 Ring Road
P. O. Box 5012
Elizabethtown, KY  42701

*Cincinnati Bell Telephone Company
Cincinnati Bell Telephone Company
221 East Fourth Street
Room 103-1280
Cincinnati, OH  45202

*Highland Telephone Cooperative, Inc.
Highland Telephone Cooperative, Inc.
7840 Morgan County Highway
P. O. Box 119
Sunbright, TN  37872

*NetDiverse, LLC
NetDiverse, LLC
885 Sandhurst Drive
Salt Lake City, UT  84103

*Globalstar USA, LLC
Globalstar USA, LLC
300 Holiday Square Blvd
Covington, LA  70433

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

*Simple Signal, Inc.
Simple Signal, Inc.
34232 Pacific Coast Highway
Suite E
Dana Point, CA  92629

*Cindy D McCarty
Staff Attorney
East Kentucky Network, LLC dba Appalachian
101 Technology Trail
Ivel, KY  41642

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

*iCore Networks, Inc.
iCore Networks, Inc.
7900 Westpark Drive, Suite A-315
McLean, VA  22102

*ExteNet Systems, Inc.
ExteNet Systems, Inc.
3030 Warrenville Road, Suite 340
Lisle, IL  60532

*AmeriMex Communications Corp. dba SafetyNet
AmeriMex Communications Corp. dba SafetyNet
2323 Curalow Road, Suite 7B
Dunedin, FL  34698

*Logan Telephone Cooperative, Inc.
Logan Telephone Cooperative, Inc.
10725 Bowling Green Road
P. O. Box 97
Auburn, KY  42206

*Denotes Served by Email

Service List for Case 2016-00059
*Timberline Specialized Management, LLC  
5271 Memorial Drive, Suite 200  
Houston, TX  77007

*Larry Cook  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY  40601-8204

*Telrite Corporation dba Life Wireless  
4113 Monticello Street  
Covington, GA  30014

*Peoples Rural Telephone Cooperative  
Peoples Rural Telephone Cooperative  
Highway 421 South  
P. O. Box 159  
McKee, KY  40447

*East Kentucky Network, LLC dba Appalachian  
East Kentucky Network, LLC dba Appalachian  
101 Technology Trail  
Ivel, KY  41642

*Ready Wireless, LLC  
955 Kacena Road, Suite A  
Hiawatha, IA  52233

*Peoples Telecom, LLC  
Peoples Telecom, LLC  
259 Main Street  
P. O. Box 159  
McKee, KY  40447

*East Kentucky Network, LLC  
East Kentucky Network, LLC  
101 Technology Trail  
Ivel, KY  41642

*Cumberland Cellular Partnership dba Bluegrass  
Cumberland Cellular Partnership dba Bluegrass  
2902 Ring Road  
P. O. Box 5012  
Elizabethtown, KY  42701

*BCN Telecom, Inc.  
BCN Telecom, Inc.  
1200 Mt. Kemble Ave, 3rd Floor  
Morristown, NJ  07960

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

*Bluegrass Wireless, LLC  
Bluegrass Wireless, LLC  
2902 Ring Road  
P. O. Box 5012  
Elizabethtown, KY  42701

*BCN Telecom, Inc.  
BCN Telecom, Inc.  
1200 Mt. Kemble Ave, 3rd Floor  
Morristown, NJ  07960

*TAG Mobile, LLC  
TAG Mobile, LLC  
1330 Capital Parkway  
Carrollton, TX  75006

*Kentucky Hearing and Telephone Corporation dba Bluegrass  
Kentucky Hearing and Telephone Corporation  
5070 Mark IV Parkway  
Fort Worth, TX  76106

*Budget Prepay, Inc. dba Budget Phone  
Budget Prepay, Inc. dba Budget Phone  
1325 Barksdale Blvd, Suite 200  
Bossier City, LA  71111

*CampusTVs, Inc.  
CampusTVs, Inc.  
598 Boston Post Road  
Weston, MA  02493

*Kentucky Hearing and Telephone Cooperative, Inc.  
North Central Telephone Cooperative, Inc.  
872 Highway 52 By-Pass E  
P. O. Box 70  
Lafayette, TN  37083-0070

*Budget PrePay, Inc. dba Budget Mobil  
Budget PrePay, Inc. dba Budget Mobile  
1325 Barksdale Blvd, Suite 200  
Bossier City, LA  71111

*Telrite Corporation  
Telrite Corporation  
4113 Monticello Street  
Covington, GA  30014

*North Central Communications, Inc.  
North Central Communications, Inc.  
872 Highway 52 By-Pass E  
P. O. Box 70  
Lafayette, TN  37083

*Denotes Served by Email  
Service List for Case 2016-00059
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<th>Phone Company</th>
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<tr>
<td>*SelecTel, Inc. d/b/a SelecTel Wireless</td>
<td>1825 N Bell Street, Freemont, NE 40504</td>
<td>*Boomerang Wireless, LLC</td>
<td>955 Kacena Road, Suite A, Hiawatha, IA 52233</td>
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<tr>
<td></td>
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<td>*Cellular Services, LLC</td>
<td>1621 KY Route 40W, P.O. Box 240, Staffordsville, KY 41256</td>
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<tr>
<td>*Windward Wireless LLC</td>
<td>3245 Peachtree Pkwy, Suite D, Suwanee, GA 30024</td>
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<td>*Total Call Mobile, Inc.</td>
<td>1411 W 190th Street, Suite 650, Gardena, CA 90248</td>
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<td>*Windward Wireless LLC</td>
<td>3245 Peachtree Pkwy, Suite D, Suwanee, GA 30024</td>
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<td>*Magna5 LLC</td>
<td>2828 North Harwood Street, Suite 1700, Dallas, TX 75201</td>
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<td>*Phone Club Corporation</td>
<td>4262 Old A1A, Palm Coast, FL 32137</td>
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<td>*e-Tel, LLC dba e-Tel Murray, LLC</td>
<td>607 Broadway, Paducah, KY 42001</td>
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<td>*Q Link Wireless, LLC</td>
<td>499 East Sheridan Street, Suite 400, Dania, FL 33004</td>
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<td>*Ballard Rural Telephone Cooperative</td>
<td>159 W 2nd Street, P.O. Box 209, La Center, KY 42056-0209</td>
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<td>*BetterWorld Telecom, LLC</td>
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<td>*ComTech 21, LLC</td>
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<tr>
<td>*Foothills Rural Telephone Cooperative</td>
<td>1621 Kentucky Route 40 W, P.O. Box 240, Staffordsville, KY 41256</td>
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<tr>
<td>OneTone Telecom, Inc.</td>
<td>100 Century Plaza, Suite 9-1, Seneca, SC 29672</td>
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<td>Cellco Partnership dba Verizon Wireless</td>
<td>One Verizon Way, Mailcode VCS3S475, Basking Ridge, NJ 07920</td>
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<td>GTE Wireless of the Midwest dba Verizon</td>
<td>One Verizon Way, Mailcode VCS3S475, Basking Ridge, NJ 07920</td>
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<td>Kentucky RSA #1 Partnership</td>
<td>One Verizon Way, Mailcode VCS3S475, Basking Ridge, NJ 07920</td>
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<td>New Par dba Verizon Wireless</td>
<td>One Verizon Way, Mailcode VCS3S475, Basking Ridge, NJ 07920</td>
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<td>Rural Cellular Corporation dba Verizon Wireless</td>
<td>One Verizon Way, Mailcode VCS3S475, Basking Ridge, NJ 07920</td>
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<tr>
<td>IM Telecom, LLC d/b/a Infiniti Mobile</td>
<td>1705 South Baltimore Avenue, Tulsa, OK 74119</td>
</tr>
<tr>
<td>Ted Heckman</td>
<td>Managing Director, Regulatory &amp; Government, Cincinnati Bell Telephone Company, 221 E Fourth Street, Room 103-1170, Cincinnati, OH 45202</td>
</tr>
<tr>
<td>Win.Net Telecommunications, Inc.</td>
<td>332 W Broadway, Suite 214, Louisville, KY 40202</td>
</tr>
<tr>
<td>Easy Telephone Service Company dba Easy</td>
<td>4352 SE 95th Street, Ocala, FL 34480</td>
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<tr>
<td>dishNet Wireline, LLC</td>
<td>9601 S Meridian Blvd, Englewood, CO 80112</td>
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<tr>
<td>Solavei, LLC</td>
<td>10500 NE 8th Street, Suite 1300, Bellevue, WA 98004</td>
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<tr>
<td>The Electric Plant Board of the City d/b/a</td>
<td>1500 Broadway Street, Paducah, KY 42001</td>
</tr>
<tr>
<td>West Kentucky Rural Telephone Cooperative dba</td>
<td>237 North Eighth Street, P. O. Box 649, Mayfield, KY 42066-0649</td>
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<tr>
<td>Edward T Depp</td>
<td>Dinsmore &amp; Shohl, LLP, 101 South Fifth Street, Suite 2500, Louisville, KENTUCKY 40202</td>
</tr>
<tr>
<td>NextGen Communications, Inc.</td>
<td>275 West Street, Suite 400, Annapolis, MD 21401</td>
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*Denotes Served by Email, Service List for Case 2016-00059
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<thead>
<tr>
<th>Service Name</th>
<th>Address</th>
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<tr>
<td>BellSouth Telecommunications, LLC dba AT&amp;T</td>
<td>601 W Chestnut Street, Suite 408, Louisville, KY 40203</td>
</tr>
<tr>
<td>New Cingular Wireless PCS, LLC dba AT&amp;T</td>
<td>1010 N St Mary's Street, 9th Floor, San Antonio, TX 78215</td>
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<tr>
<td>Windstream Kentucky West, LLC</td>
<td>4001 N Rodney Parham Road, Little Rock, AR 72212</td>
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<tr>
<td>Teleport Communications America, LLC</td>
<td>601 W Chestnut Street, 4th Floor East, Louisville, KY 40203</td>
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<tr>
<td>Velocity Networks of Kentucky, Inc.</td>
<td>120 East Third Street, Russellville, KY 42276</td>
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<td>Windstream NuVox, LLC</td>
<td>4001 N Rodney Parham Road, Little Rock, AR 72212</td>
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<tr>
<td>BellSouth Long Distance, Inc. dba AT&amp;T</td>
<td>601 W Chestnut Street, Suite 408, Louisville, KY 40203</td>
</tr>
<tr>
<td>i-Wireless, LLC</td>
<td>1 Levee Way, Suite 3104, Newport, KY 41071</td>
</tr>
<tr>
<td>Windstream Norlight, LLC</td>
<td>4001 Rodney Parham Road, Little Rock, AR 72212</td>
</tr>
<tr>
<td>Cricket Wireless, LLC</td>
<td>12735 Morris Road, Building 200, Alpharetta, GA 30004</td>
</tr>
<tr>
<td>Eastern Telephone &amp; Technologies</td>
<td>106 Power Drive, Pikeville, KY 41501</td>
</tr>
<tr>
<td>McLeodUSA Telecommunications Services, LLC</td>
<td>4001 N Rodney Parham Road, Little Rock, AR 72212</td>
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<td>Duo County Telephone Cooperative Cor</td>
<td>2150 N Main Street, P. O. Box 80, Jamestown, KY 42629</td>
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<tr>
<td>Windstream Norlight, LLC</td>
<td>4001 Rodney Parham Road, Little Rock, AR 72212</td>
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<td>The Other Phone Company, LLC dba Access</td>
<td>4001 N Rodney Parham Road, Little Rock, AR 72212</td>
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<td>AT&amp;T Corp.</td>
<td>601 W Chestnut Street, 4th Floor East, Louisville, KY 40203</td>
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<td>US LEC of Tennessee, LLC dba PAETEC</td>
<td>4001 N Rodney Parham Road, Little Rock, AR 72212</td>
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<td>Windstream Communications, LLC</td>
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*Denotes Served by Email
*Windstream KDL, LLC
Windstream KDL, LLC
4001 N Rodney Parham Road
Little Rock, AR  72212

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

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

*Windstream Kentucky East, LLC
Windstream Kentucky East, LLC
4001 N Rodney Parham Road
Little Rock, AR  72212