COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

ORDER

This matter is before the Commission upon a motion filed by SI Wireless, LLC dba MobileNation ("SI Wireless") requesting a rehearing of the Commission’s February 2, 2017 Order ("February 2, 2017 Order") that denied SI Wireless's request for confidential treatment for certain materials contained in its response to Commission Staff’s First Request for Information ("Staff’s First Request"), Item 1, Exhibit 1. The Commission denied confidential treatment for the total number of access lines SI Wireless had in service in Kentucky and the amount of surcharge remitted to the Kentucky Universal Service Fund, which is contained on Lines 1 and 3, respectively, on the Commonwealth of Kentucky Universal Service Fund forms ("KUSF Forms") submitted monthly by SI Wireless for January 2014 through July 2016. The Commission found that SI Wireless had not established that disclosure of the designated materials could result in an unfair competitive advantage to its customers because the information is publicly available from other sources, including SI Wireless’s report of gross earnings from intrastate business filed with the Commission pursuant to KRS 278.140. Additionally, the Commission noted that SI Wireless had filed its gross earnings report since 2011 without previously requesting confidential treatment for this information.
In support of its motion, SI Wireless argues that access line counts are presumptively confidential whether or not a wireless provider has requested confidential treatment for the information. As a basis for this assertion, SI Wireless cites to Case No. 2007-00464, in which the Commission determined that access line counts submitted by all wireless providers would automatically be given confidential treatment, whether or not the wireless provider filed a motion for confidential treatment. SI Wireless further argues that the Commercial Mobile Radio Service ("CMRS") market is highly competitive and that denial of its motion provides a commercial advantage to its competitors who would receive business intelligence regarding SI Wireless without expending resources. Lastly, SI Wireless argues that keeping information regarding non-Lifeline access line counts confidential does not affect the Commission’s ability to address the issues in this matter.

Having reviewed the motion and being otherwise sufficiently advised, the Commission finds that SI Wireless has established good cause to grant a rehearing in this matter and to amend the February 2, 2017 Order. The Commission further finds that SI Wireless’s response to Staff’s First Request, Item 1, Exhibit 1, should be granted confidential treatment for an indefinite period of time.

In Case No. 2007-00464, the Commission determined that public disclosure of access line counts for wireless providers reported on monthly Telecommunications Relay Service fund ("TRS") and the Telecommunications Access Program fund ("TAP") reports would violate and undermine KRS 65.7639, which grants confidential protection to this information in conjunction with the requirement that CMRS providers file this

1 Case No. 2007-00464, Petition of the Kentucky Commission on the Deaf and Hard of Hearing to Expand the Funding Base for the Kentucky Telecommunications Access Program (Ky. PSC Apr. 16, 2009) at ordering paragraph 1.
information with the CMRS Emergency Telecommunications Board. Because the legislative intent of KRS 65.7639 was to keep access line counts confidential, the Commission found that wireless providers were not required to file motions for confidentiality for access line counts and that monthly TRS/TAP reports should be automatically granted confidential protection when filed with the Commission. The Commission finds that the reasoning that applied in Case No. 2007-00464 also applies to the facts of this motion. Further, the gross operating reports filed by SI Wireless pursuant to KRS 278.140 contain different and less granular information than the information in the KUSF Forms.

IT IS THEREFORE ORDERED that:

1. SI Wireless's motion for rehearing of the Commission's February 2, 2017 Order is granted.

2. The Commission's February 2, 2017 Order is amended to prove that the materials set forth in SI Wireless's response to Staff's First Request, Item 1, Exhibit 1, shall not be placed in the public record or made available for public inspection for an indefinite period of time, 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. SI Wireless 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 run, then SI Wireless shall have 20 days

\footnote{id. at page 3.}
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 SI Wireless 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 SI Wireless to seek a remedy afforded by law.

By the Commission

ENTERED
MAR 01 2017
KENTUCKY PUBLIC SERVICE COMMISSION

ATTEST:

Executive Director

Case No. 2016-00059
*NET TALK.COM, INC.
NET TALK.COM, INC.
1100 NW 163rd Drive, Suite 3
North Miami Beach, FL 33169

*Wireless Telecom Cooperative, Inc. dba Wireless Telecom Cooperative, Inc.
2317 West Chestnut Street
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*Tempo Telecom, LLC
Tempo Telecom, LLC
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*L Allyson Honaker
Goss Samford, PLLC
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*MCC Telephony of the South, LLC db/a
MCC Telephony of the South, LLC
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*Pix Wireless, LLC
Pix Wireless, LLC
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Boca Raton, FL 33433

*ATC Outdoor DAS, LLC
ATC Outdoor DAS, LLC
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Woburn, MA 01801

*Flatel Wireless, Inc dba Zing PCS
Flatel Wireless, Inc dba Zing PCS
9601 Worswick Court
Wellington, FL 33414

*CityNet Kentucky, LLC
CityNet Kentucky, LLC
100 Cynet Drive
Bridgeport, WV 26330

*Thacker-Grigsby Telephone Company, Inc.
Thacker-Grigsby Telephone Company,
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Hindman, KY 41822

*Leslie County Telephone Company, Inc
Leslie County Telephone Company, Inc.
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Hyden, KY 41749-0969

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

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

*Brandenburg Telecom, LLC
Brandenburg Telecom, LLC
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Brandenburg, KY 40108

*Denotes Served by Email
Service List for Case 2016-00059
*Image Access, Inc. dba NewPhone
Image Access, Inc. dba NewPhone
7324 Southwest Freeway, Suite 475
Houston, TX  77074

*Gearheart Communications Company, In dba Gearheart Communications Company, Inc. dba
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Harold, KY  41635

*Bluegrass Telephone Company, Inc. dba
Bluegrass Telephone Company, Inc. dba
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Leitchfield, KY  42754

*Jack W. Pruitt dba First Phone
Jack W. Pruitt dba First Phone
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Clarksville, TN  37042

*South Central Telcom, LLC
South Central Telcom, LLC
1399 Happy Valley Road
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Glasgow, KY  42142-0159

*Stream Communications, LLC
Stream Communications, LLC
1950 Stemmons Fwy, Suite 3000
Dallas, TX  75207

*MCImetro Access Transmission Service d/b/a
MCImetro Access Transmission Services Corp.
600 Hidden Ridge
Irving, TX  75038

*South Central Rural Telephone Cooperative
South Central Rural Telephone Cooperative
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Glasgow, KY  42142-0159

*John E Selent
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Louisville, KENTUCKY  40202

*The People's Operator USA, LLC
The People's Operator USA, LLC
915 Broadway, Suite 1306
New York, NY  10010

*Consumer Cellular, Incorporated
Consumer Cellular, Incorporated
7204 SW Durham Road, Suite 300
Portland, OR  97224

*SpeedBeam Lexington, LLC
SpeedBeam Lexington, LLC
3070 Lakecrest Circle
Lexington, KY  40513

*Air Voice Wireless, LLC
Air Voice Wireless, LLC
2425 Franklin Road
Bloomfield Hill, MI  48302

*Crexendo Business Solutions, Inc.
Crexendo Business Solutions, Inc.
1615 S 52nd Street
Tempe, AZ  85281

*American Broadband and Telecommunications
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*QuantumShift Communications, Inc. dba vCom
QuantumShift Communications, Inc. dba vCom
12657 Alcosta Blvd, Suite 418
San Ramon, CA  94583

*France Telecom Corporate Solutions L
France Telecom Corporate Solutions L.L.C.
13775 McLearen Road
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Oak Hill, VA  20171-3212

*American Broadband and Telecommunications
American Broadband and Telecommunications
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Toledo, OH  43699

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Inter-Mountain Cable, Inc. dba MTS
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*France Telecom Corporate Solutions L
France Telecom Corporate Solutions L.L.C.
13775 McLearen Road
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Oak Hill, VA  20171-3212

*Timberline Specialized Management, L
Timberline Specialized Management, LLC
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Houston, TX  77007

*Denotes Served by Email
Service List for Case 2016-00059
Service List for Case 2016-00059

Denotes Served by Email

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

Peoples Rural Telephone Cooperative
Peoples Rural Telephone Cooperative
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P. O. Box 159
McKee, KY 40447

Peoples Telecom, LLC
Peoples Telecom, LLC
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McKee, KY 40447

East Kentucky Network, LLC dba Appal
East Kentucky Network, LLC dba Appalachian
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Ivel, KY 41642

West Kentucky Rural Telephone Cooperative dba
West Kentucky Rural Telephone Cooperative
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P. O. Box 649
Mayfield, KY 42066-0649

BCN Telecom, Inc.
BCN Telecom, Inc.
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TAG Mobile, LLC
TAG Mobile, LLC
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Carrollton, TX 75006

Budget PrePay, Inc. dba Budget Mobile
Budget PrePay, Inc. dba Budget Mobile
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Bossier City, LA 71111

CampusTVs, Inc.
CampusTVs, Inc.
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North Central Telephone Cooperative, Inc.
North Central Telephone Cooperative, Inc.
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Telrite Corporation
Telrite Corporation
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Covington, GA 30014

Telrite Corporation dba Life Wireless
Telrite Corporation dba Life Wireless
4113 Monticello Street
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Ready Wireless, LLC
Ready Wireless, LLC
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Hiawatha, IA 52233

Cumberland Cellular Partnership dba Bluegrass
Cumberland Cellular Partnership dba Bluegrass
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Bluegrass Wireless, LLC
Bluegrass Wireless, LLC
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P. O. Box 5012
Elizabethtown, KY 42701

Kentucky Hearing and Telephone Corporation
Kentucky Hearing and Telephone Corporation
5070 Mark IV Parkway
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CampusTVs, Inc.
CampusTVs, Inc.
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Weston, MA 02493

North Central Telephone Cooperative, Inc.
North Central Telephone Cooperative, Inc.
872 Highway 52 By-Pass E
P. O. Box 70
Lafayette, TN 37083-0070
<table>
<thead>
<tr>
<th>Company Name</th>
<th>Address</th>
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<tbody>
<tr>
<td>North Central Communications, Inc.</td>
<td>872 Highway 52 By-Pass E, P. O. Box 70</td>
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<td></td>
<td>Lafayette, TN 37083</td>
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<td>ComTech 21, LLC</td>
<td>One Barnes Park South, Wallingford, CT 06492</td>
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<td>Foothills Rural Telephone Cooperative</td>
<td>1621 Kentucky Route 40 W, P. O. Box 240</td>
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<td></td>
<td>Staffordsville, KY 41256</td>
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<td>SelectTel, Inc. d/b/a SelectTel Wireless</td>
<td>1825 N Bell Street, Freemont, NE 40504</td>
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<tr>
<td>Boomerang Wireless, LLC</td>
<td>955 Kacena Road, Suite A, Hiawatha, IA 52233</td>
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<td>Cellular Services, LLC</td>
<td>1621 KY Route 40W, P. O. Box 240</td>
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<tr>
<td></td>
<td>Staffordville, KY 41256</td>
</tr>
<tr>
<td>Windward Wireless LLC</td>
<td>3245 Peachtree Pkwy, Suite D, Suwanee, GA 30024</td>
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<tr>
<td>Total Call Mobile, Inc.</td>
<td>1411 W 190th Street, Suite 650, Gardena, CA 90248</td>
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<tr>
<td>TracFone Wireless, Inc.</td>
<td>9700 NW 112th Avenue, Miami, FL 33178</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>Armstrong Telecommunications, Inc.</td>
<td>16 South Jefferson Road, Whippany, NJ 07981</td>
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<tr>
<td>Phone Club Corporation</td>
<td>4262 Old A1A, Palm Coast, FL 32137</td>
</tr>
<tr>
<td>e-Tel, LLC dba e-Tel Murray, LLC</td>
<td>607 Broadway, Paducah, KY 42001</td>
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<tr>
<td>Touchtone Communications, Inc.</td>
<td>16 South Jefferson Road, Whippany, NJ 07981</td>
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<tr>
<td>Q Link Wireless, LLC</td>
<td>499 East Sheridan Street, Suite 400, Dania, FL 33004</td>
</tr>
<tr>
<td>Ballard Rural Telephone Cooperative</td>
<td>159 W 2nd Street, P. O. Box 209, La Center, KY 42056-0209</td>
</tr>
<tr>
<td>Touchtone Communications, Inc.</td>
<td>16 South Jefferson Road, Whippany, NJ 07981</td>
</tr>
<tr>
<td>BetterWorld Telecom, LLC</td>
<td>11951 Freedom Drive, 13th Floor, Reston, VA 20190</td>
</tr>
<tr>
<td>Lycamobile USA, Inc.</td>
<td>24 Commerce Street, Suite 100, Newark, NJ 07102</td>
</tr>
<tr>
<td>SI Wireless, LLC d/b/a MobileNation d/b/a Twigby</td>
<td>1275 North Reed Station Road, Carbondale, IL 62902</td>
</tr>
</tbody>
</table>

*Denotes Served by Email
*Denotes Served by Email

Service List for Case 2016-00059

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Mountain Rural Telephone Cooperative
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*IM Telecom, LLC dba Infiniti Mobile
IM Telecom, LLC dba Infiniti Mobile
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BellSouth Telecommunications, LLC dba AT&T
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New Cingular Wireless PCS, LLC dba AT&T
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Windstream Kentuck West, LLC
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BellSouth Telecommunications, LLC dba AT&T
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*Velocity Networks of Kentucky, Inc.
Velocity Networks of Kentucky, Inc.
120 East Third Street
Russellville, KY  42276

*Windstream NuVox, LLC
Windstream NuVox, LLC
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*Teleport Communications America, LLC
Teleport Communications America, LLC
601 W Chestnut Street
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*Telecommunication Properties, Inc.
Telecommunication Properties, Inc.
901 Main Street, Suite 2600
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*Talk America, LLC
Talk America, LLC
4001 N Rodney Parham Road
Little Rock, AR  72212

*BellSouth Long Distance, Inc. dba AT&T
BellSouth Long Distance, Inc. dba AT&T Long
601 W Chestnut Street, Suite 408
Louisville, KY  40203

*i-Wireless, LLC
i-Wireless, LLC
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Newport, KY  41071

*Network Telephone, LLC
Network Telephone, LLC
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Little Rock, AR  72212

*Cricket Wireless, LLC
Cricket Wireless, LLC
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Eastern Telephone & Technologies
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*McLeodUSA Telecommunications Service
McLeodUSA Telecommunications Services, LLC
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*Duo County Telephone Cooperative Cor
Duo County Telephone Cooperative Corporation,
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*Windstream Norlight, LLC
Windstream Norlight, LLC
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Little Rock, AR  72212

*The Other Phone Company, LLC dba Access One
The Other Phone Company, LLC dba Access One
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AT&T Corp.
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US LEC of Tennessee, LLC dba PAETEC
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Windstream Communications, LLC
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Service List for Case 2016-00059
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*PAETEC Communications, LLC
PAETEC Communications, LLC
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*Windstream NTI, LLC
Windstream NTI, LLC
4001 N Rodney Parham Road
Little Rock, AR  72212

*Windstream Kentucky East, LLC
Windstream Kentucky East, LLC
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