

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

ORDER

On May 22, 2020, Boomerang Wireless LLC (Boomerang) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1), requesting that the Commission grant confidential treatment for documents stating Boomerang's cost and pricing strategies for five years. The information for which Boomerang seeks confidential treatment is more specifically described as cost and pricing strategy data provided to the Kentucky Universal Service Fund (KUSF) containing sensitive information regarding Boomerang's service costs and prices.

In support of its motion, Boomerang states the materials are sensitive information not known outside of Boomerang and generally recognized as confidential and proprietary information within the telecommunications industry. Boomerang asserts disclosure of this information would cause competitive injury to Boomerang as its competitors could use the information to develop marketing and pricing strategies to reduce Boomerang's market share.

Having considered the motion and the material at issue, the Commission finds the information regarding costs and pricing strategies provided to the KUSF is generally recognized as confidential or proprietary; and therefore meets the criteria for confidential

treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Boomerang's motion for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for five years or until further Order of this Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).
4. Boomerang shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.
5. If a nonparty 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, Boomerang shall have 30 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 Boomerang 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 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow Boomerang to seek a remedy afforded by law.

By the Commission

ENTERED
MAR 17 2021 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2016-00059

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