

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 April 27, 2016, McLeod USA Telecommunications Services, LLC; Network Telephone, LLC; PAETEC Communications, LLC; Talk America, LLC; The Other Phone Company, LLC; US LEC of Tennessee, LLC; Windstream Communications, LLC; Windstream KDL, LLC; Windstream Kentucky East, LLC; Windstream Kentucky West, LLC; Windstream Norlight, LLC; Windstream NTI, LLC; Windstream NuVox, LLC (jointly, Windstream Companies) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS61.878(1)(c)(1), requesting that the Commission grant confidential treatment for Kentucky Universal Service Fund (KUSF) reimbursement forms for ten years. The information for which Windstream Companies request confidential treatment is more specifically described as information showing the total number of access lines on which Windstream Companies collect KUSF surcharges, the amount of surcharge remitted to the KUSF fund, the number of access lines receiving Lifeline Support, and the amount of reimbursement requested from the KUSF.

In support of its motion, Windstream Companies argues that the requested documents are exempt pursuant to KRS 61.878(1)(c) and disclosure would permit an unfair commercial advantage to competitors of the Windstream Companies. Windstream Companies assert disclosure of this proprietary information regarding the number of

access lines and KUSF fund remittances would harm the Windstream Companies' position in the marketplace.

Having considered the motion and the material at issue, the Commission finds that KUSF reimbursement forms are generally recognized as confidential or proprietary; and therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

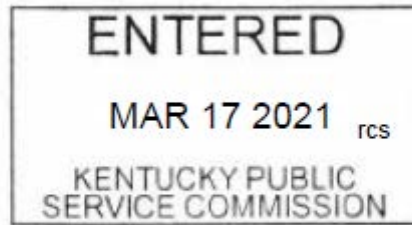
1. Windstream Companies' motion for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for ten years or until further Order of this Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).
4. Windstream Companies 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, Windstream Companies 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 Windstream Companies 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 Windstream Companies to seek a remedy afforded by law.

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By the Commission



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