

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF TILLMAN)	
INFRASTRUCTURE LLC FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE)	CASE NO.
AND NECESSITY TO CONSTRUCT A)	2020-00282
WIRELESS COMMUNICATIONS FACILITY IN)	
MARSHALL COUNTY, KENTUCKY)	

ORDER

On October 14, 2020, Tillman Infrastructure LLC (Tillman Infrastructure) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1), requesting that the Commission grant confidential protection for five years for the dollar amounts in the Lease Agreement filed as Exhibit J to the application.

In support of its motion, Tillman Infrastructure argues that disclosure would result in competitive injury. There is a risk of harm if the dollar amounts contained in the Exhibit are disclosed. Such disclosure could create incentives for other potential competitors to undercut efforts by Tillman Infrastructure to successfully build the proposed tower. Such disclosure would also be costly in the future when attempts to provide additional infrastructure in Kentucky are made and Tillman Infrastructure's ability to negotiate terms specific to a parcel of land and its circumstances has been compromised. The dollar amounts in the Lease Agreement could be used by competitors to the business injury of Tillman Infrastructure in other ways as well. For example, if disclosed, the agreement prices and plans for the future would give competitors sensitive information about, e.g.,

(a) acquisition strategy and capability and (b) valuation of build sites, their problems, and potential.

Having considered the motion and the material at issue, the Commission finds that the dollar amounts in the agreement are generally recognized as confidential or proprietary; it 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. Tillman Infrastructure's motion for confidential protection for dollar amounts in the agreement is granted.

2. The designated information contained in the Lease Agreement 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 material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. Tillman Infrastructure shall inform the Commission if the material in question 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, Tillman Infrastructure 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 Tillman Infrastructure 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 Tillman Infrastructure to seek a remedy afforded by law.

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By the Commission



ATTEST:


Executive Director

Case No. 2020-00282

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