

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENERGY)
CORP. FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY FOR THE)
CONSTRUCTION OF A HIGH-SPEED FIBER)
NETWORK AND FOR APPROVAL OF THE)
LEASING OF THE NETWORK'S EXCESS)
CAPACITY TO AN AFFILIATE TO BE ENGAGED)
IN THE PROVISION OF BROADBAND SERVICE)
TO UNSERVED AND UNDERSERVED)
HOUSEHOLDS AND BUSINESSES OF THE)
COMMONWEALTH)

CASE NO.
2021-00365

ORDER

On January 21, 2022, Kentucky Broadband and Cable Association (KBCA) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for indefinite period or until it is published by the Federal Communications Commission (FCC) for Exhibits 1 and 2 of Jason Keller's testimony and the affiliated map appearing in his testimony.

In support of its motion, KBCA argued that the maps are confidential and proprietary information of one of its members, Charter Communications. The maps are the approximate areas in which Charter Communications provides broadband service. KBCA argued the information is competitively sensitive because it shows the locations of distribution plants and service boundaries. If this information was publicly disclosed, it would give other broadband providers and unfair competitive advantage. Other service providers could review this information without engaging in the studies Charter

Communications has done, leaving it at a competitive disadvantage. KBCA noted that the FCC will be gathering this data pursuant to the Broadband DATA Act. When that is done, the FCC will publish the maps and KBCA will no longer request confidential protection of the information.

Having considered the motion and the material at issue, the Commission finds that Exhibits 1 and 2 of Jason Keller's testimony and the affiliated map 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. KBCA'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 an indefinite period, until the FCC publishes the information, or 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. KBCA 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, KBCA 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 KBCA 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 KBCA to seek a remedy afforded by law.

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PUBLIC SERVICE COMMISSION

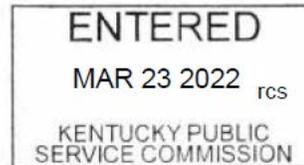


Chairman



Vice Chairman

Commissioner



ATTEST:



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