

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF MCIMETRO)	
ACCESS TRANSMISSION SERVICES LLC D/B/A)	
VERIZON ACCESS TRANSMISSION SERVICES)	CASE NO.
FOR EXPEDITED REVIEW AND REVERSAL OF)	2022-00368
POOLING ADMINISTRATOR'S DECISION TO)	
WITHHOLD NUMBERING RESOURCES)	

ORDER

On November 11, 2022, MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services (Verizon) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for five years for redactions from Verizon's application, Exhibit 2.

The Commission is a public agency subject to Kentucky's Open Records Act, which requires that all public records "be open for inspection by any person, except as otherwise provided by KRS 61.870 to 61.884."¹ Exceptions to the free and open examination of public records contained in KRS 61.878 should be strictly construed.² The party requesting that materials be treated confidentially has the burden of establishing that one of the exceptions is applicable.³

In support of its motion, Verizon argued the application of KRS 61.878(1)(c)(1), which provides an exception to the requirement for public disclosure for records that are

¹ KRS 61.872(1).

² See KRS 61.871.

³ 807 KAR 5:001, Section 13(2)(c).

“generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.”

The redactions from Exhibit 2 of Verizon’s application include phone number block data from a certification worksheet. Verizon argued that the worksheet provides sensitive data about thousand-blocks of numbers, utilization, the assigned and available inventory of numbers, recent growth history for number assignments, and growth forecasts. Verizon stated that the blocks are a scarce resource and competitors could use them to derive data about market assets, number assignments, and forecasted growth.

Having considered the motion and the material at issue, the Commission finds that Verizon’s motion should be granted. The number blocks are a resource that carriers compete for and disclosure of related data would allow competitors to gain information about Verizon’s market assets and growth in the region. The number blocks are generally recognized as confidential or proprietary and therefore meet the criteria for confidential treatment and should be exempted from public disclosure for five years pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Verizon’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. Verizon 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, Verizon 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 Verizon 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 Verizon to seek a remedy afforded by law.

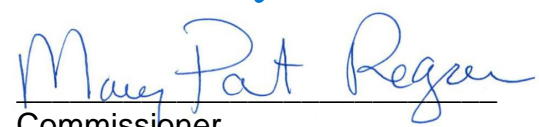
PUBLIC SERVICE COMMISSION



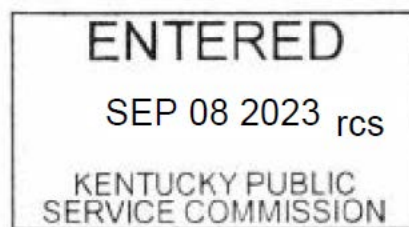
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ATTEST:



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