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September 24, 2019

**HAND DELIVERED**

Gwen R. Pinson  
Executive Director  
Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, KY 40602-0615

Mark R. Overstreet  
(502) 209-1219  
(502) 779-8349 FAX  
moverstreet@stites.com

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SEP 24 2019

PUBLIC SERVICE  
COMMISSION

RE: Certification of New Cingular Wireless PCS, LLC d/b/a AT&T Mobility

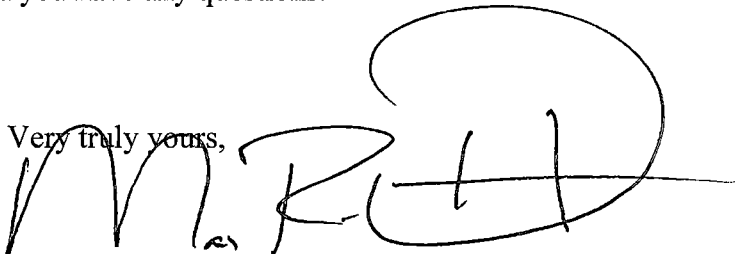
Dear Ms. Pinson:

Please find enclosed the original and ten copies of the Certification of New Cingular Wireless PCS d/b/a AT&T Mobility. Also enclosed for filing are AT&T Mobility's motion for confidential treatment and the supporting affidavit of Kristi Turner. Confidential Attachment A-1 and Confidential Attachment A-2 to the Certification are being filed under seal in connection with the motion for confidential treatment.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

Mark R. Overstreet

A large, stylized handwritten signature in black ink, appearing to read 'MRO', is written over the typed name 'Mark R. Overstreet'.

MRO

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SEP 24 2019

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

PUBLIC SERVICE  
COMMISSION

In the Matter of:

A CERTIFICATION OF THE CARRIERS )  
RECEIVING FEDERAL UNIVERSAL SERVICE ) Administrative Case No. 381  
HIGH-COST SUPPORT )

**PETITION OF AT&T MOBILITY  
(SAC 269905) FOR CONFIDENTIAL TREATMENT**

AT&T Mobility<sup>1</sup> respectfully submits this Petition for Confidential Treatment of Attachments A-1 and A-2 to the Certification and Report (“Certification”) it filed in this docket on or about September 24, 2019.<sup>2</sup> This Petition is filed pursuant to KRS §61.878(1)(c)(1) and 807 KAR 5:001 Section 13, and is supported by the attached Affidavit of Kristi Turner (“Turner Affidavit”).

While public records generally are open for inspection, *see* KRS §61.872(1), several exceptions exist. *See Id.* One such exception is that information “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,” is subject to inspection “only upon order of a court of competition jurisdiction . . . .” *See* KRS §61.878(1)(c). As explained below, Attachments A-1 and A-2 to AT&T Mobility’s Certification are comprised entirely of

<sup>1</sup> New Cingular Wireless PCS, LLC d/b/a AT&T Mobility.

<sup>2</sup> As it has done in past years, AT&T Mobility is providing the original of its Kentucky Service Improvement Plan (2020 Projection) (“**Confidential Attachment A-1**”) and its Kentucky Service Improvement Plan (2018 Actuals) (“**Confidential Attachment A-2**”) as attachments to this original Petition for Confidential Treatment on paper that is labeled “Proprietary Information” and “Confidential” on each page. As all of the information in each of these Attachments is confidential and proprietary, the public versions of these attachments provide “The entire document is proprietary. There is no edited version.”

confidential and proprietary information, including the Company's network infrastructure, proposed service improvements, build out plans, and operating costs, that is exempt from inspection. AT&T Mobility, therefore, requests that the Commission afford Confidential Treatment to Attachments A-1 and A-2<sup>3</sup> for ten years. After the expiration of the requested confidential period the confidential information would be sufficiently dated so that its public disclosure would no longer afford a competitive advantage to competing wireless providers.

Wireless providers such as AT&T Mobility operate in a highly competitive market. The Company's competitors include Sprint, T-Mobile, and Verizon. The information in Attachments A-1 and A-2 would provide competitors and potential competitors with important proprietary information about AT&T Mobility and its operations, which competitors would be unable to obtain otherwise. Turner Affidavit, ¶ 4.<sup>4</sup> Armed with this information, a competitor could develop entry, marketing, or other strategies, which would give it an unfair advantage in competing with AT&T Mobility. Further, in a competitive market, any information gained about a competitor can be used to that competitor's detriment. *Id.* at ¶ 5. Such an unfair competitive advantage would skew the marketplace and prevent the development of true competition to the ultimate detriment of the consumer. Granting this Petition, therefore, will serve the public interest because competition will be enhanced.

Accordingly, for the reasons explained above, the Company respectfully requests that the Commission issue an Order granting Confidential Treatment to Attachments A-1 and A-2 to AT&T Mobility's Certification.

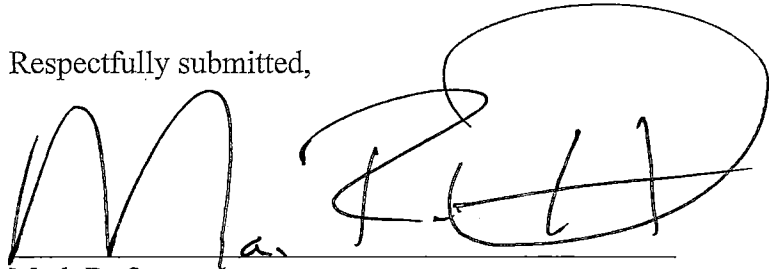
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<sup>3</sup> The Commission has recognized that information of this type previously submitted by American Cellular (*see* January 24, 2000, Order in Case No. 99-184) and by AT&T Mobility (*see* letter dated January 26, 2011, in this docket) is entitled to Confidential Treatment.

<sup>4</sup> *See also, Id.*, ¶6 (this information is not generally known outside AT&T Mobility, nor is it provided to the public).

This the 24<sup>th</sup> day of September, 2019.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by 'R. Overstreet'. The signature is written over a horizontal line.

Mark R. Overstreet  
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Counsel for AT&T Mobility

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

A CERTIFICATION OF THE CARRIERS )  
RECEIVING FEDERAL UNIVERSAL SERVICE ) Administrative Case No. 381  
HIGH-COST SUPPORT )

**AFFIDAVIT OF KRISTI TURNER IN SUPPORT OF  
PETITION OF AT&T MOBILITY (SAC 269905)  
FOR CONFIDENTIAL TREATMENT**

Kristi Turner being first duly sworn on oath, states as follows:

1. I currently serve as a Vice President / General Manager for AT&T Mobility Corporation, the manager for New Cingular Wireless PCS, LLC d/b/a AT&T Mobility ("AT&T Mobility" or "Company"). In this capacity, I have personal knowledge of the matters set forth in this affidavit and am authorized to make this affidavit on behalf of AT&T Mobility.

2. AT&T Mobility is requesting confidential treatment of spreadsheets describing the location of the Company's cell sites, proposed service improvement projects and the estimated locations and costs associated with such improvements (**Confidential Attachments A-1 and A-2**).

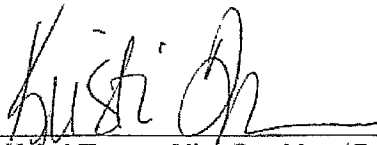
3. All information in **Confidential Attachments A-1 and A-2** is confidential, proprietary, and/or trade secret information that would aid competitors of AT&T Mobility.

4. All information in **Confidential Attachments A-1 and A-2** addresses the Company's network infrastructure, build out plans and operating costs. This information,

if disclosed, could cause substantial competitive harm to AT&T Mobility. This information is either not publicly available or not generally available in this format. It would be difficult (or impossible) for someone to discover this information from other sources. If this information were available to competitors in this format, they could use it to the competitive detriment of AT&T Mobility.

5. Wireless providers, like AT&T Mobility, operate in a highly competitive marketplace where such proprietary information is closely guarded to ensure it is not disclosed to competitors.

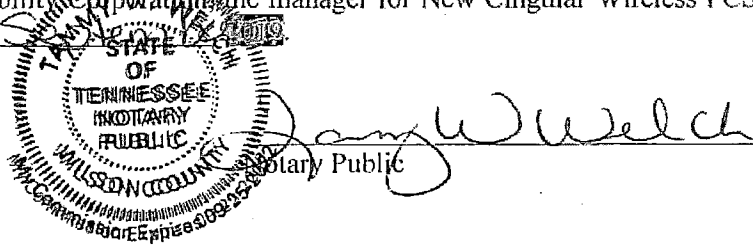
6. This information is protected internally by the Company as confidential, proprietary, and/or trade secret information.



Kristi Turner, Vice President/General Manager

STATE OF Tennessee  
COUNTY OF Williamson

Subscribed and sworn to before me by Kristi Turner as Vice President / General Manager of AT&T Mobility Corporation, the manager for New Cingular Wireless PCS, LLC this 19 day of September



James W. Welch  
Notary Public

My commission expires: \_\_\_\_\_

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PUBLIC SERVICE  
COMMISSION

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

A CERTIFICATION OF THE CARRIERS )  
RECEIVING FEDERAL UNIVERSAL SERVICE ) Administrative Case No. 381  
HIGH-COST SUPPORT )

ELIGIBLE TELECOMMUNICATIONS CARRIER CERTIFICATION AND  
REPORT OF NEW CINGULAR WIRELESS PCS LLC D/B/A AT&T MOBILITY  
(SAC 269905)

**CERTIFICATION OF  
NEW CINGULAR WIRELESS PCS, LLC d/b/a AT&T MOBILITY (SAC 269905)**

STATE OF Tennessee  
COUNTY OF Williamson

The undersigned, being duly sworn, states as follows:

1. I currently serve as a Vice President / General Manager for AT&T Mobility Corporation, the manager for New Cingular Wireless PCS, LLC d/b/a AT&T Mobility ("AT&T Mobility" or "Company"). I am personally familiar with the federal high-cost universal service support received by AT&T Mobility and the use of these funds in Kentucky for study area code ("SAC") 269905.

2. To enable the Company to receive federal high-cost universal service support in calendar year 2020, the Public Service Commission of Kentucky ("Commission") is required to certify the Company's use of support for SAC 269905 to the Federal Communications Commission ("FCC") and the Universal Service Administrative Company ("USAC") on or before October 1, 2019.

3. As set forth in the Commission's Order issued on August 15, 2005, in Case No. 2005-00130 designating AT&T Mobility's predecessor American Cellular Corporation ("ACC") as an eligible telecommunications carrier ("ETC") throughout portions of the state for SAC 269905, and as AT&T Mobility committed to in its ETC designation request, the Company is further required to file annually the following additional information with the Commission: (a) plans for the use of federal high-cost support to be received; (b) records and documentation detailing the Company's progress toward meeting its build-out plans; (c) the number of complaints per 1,000 customers; and (d) information detailing the number of unfulfilled requests for the past year.



4. Based on USAC's most recent projections, the Company currently estimates that it will receive approximately \$2.3 million in federal high-cost universal service support in 2020. The FCC released its *USF/ICC Transformation Order*<sup>1</sup> that made significant changes to its high-cost program, and among other changes adopted a final rule to phase out high-cost support payments to competitive ETCs, like AT&T Mobility.

5. Pursuant to the FCC's Orders, the Company hereby certifies that it used in the preceding year (2018) and will use in the upcoming year (2020) all of its federal high-cost universal service support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended in accordance with 47 U.S.C. §254(e).

**A. Service Improvement Progress Report**

6. Since its designation as an ETC, the Company has continued to identify facility projects intended to expand network coverage within its designated service area. Attached as **Confidential Attachment A-1** is a summary of the types of facilities, locations, estimated budget and deployment dates for each of these service improvements for calendar year 2020.

7. **Confidential Attachment A-2** explains how the Company spent the USF support that it received in 2018.

8. Pursuant to 47 U.S.C. § 254(e), the Company will continue to utilize the federal high-cost universal service support it receives to maintain, upgrade and operate these network facilities consistent with the universal service objective of providing quality telecommunications services.

**B. Requests for Service**

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<sup>1</sup> *Connect America Fund, et al.*, WC Docket No. 10-90 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Red 17663 (2011) ("*USF/ICC Transformation Order*").

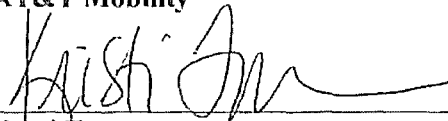
9. AT&T Mobility committed to annually report the number of requests for service from potential customers within its designated ETC service area that were unfulfilled. The Company has adopted the calendar year as the time period for purposes of this report. Accordingly, for the time period January 1, 2018 through December 31, 2018, the Company experienced 0 requests for service that the Company was unable to satisfy.

**C. Complaints Per 1,000 Customers**

10. The Company is also required to annually report the number of complaints per 1,000 customers. The Company has adopted the calendar year as the time period for purposes of this report. For the time period January 1, 2017 through December 31, 2017, the Company received 0.361 complaints per 1,000 customers statewide from the Attorney General, Better Business Bureau, and the FCC.

The matters addressed above are within my personal knowledge and are true and correct.

AT&T Mobility

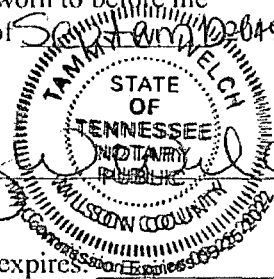


Kristi Turner  
Vice President/General Manager

Subscribed and sworn to before me  
this 19 day of September, 2019.



Notary Public



My Commission expires \_\_\_\_\_

## **CONFIDENTIAL ATTACHMENT A-1**

The entire document is confidential and redacted in its entirety

## **CONFIDENTIAL ATTACHMENT A-2**

The entire document is confidential and redacted in its entirety