

421 West Main Street
Post Office Box 634
Frankfort, KY 40602-0634
(502) 223 3477

August 16, 2021

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

VIA E-MAIL TO PSCED@KY.GOV

Linda C. Bridwell
Executive Director
Public Service Commission of Kentucky
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602-0615

RECEIVED
AUG 17 2021

PUBLIC SERVICE
COMMISSION

RE: New Cingular PCS LLC d/b/a AT&T Mobility

Dear Ms. Bridwell:


Attached is the 2021 Eligible Telecommunications Carrier certification for New Cingular PCS LLC d/b/a AT&T Mobility.

Also being filed are AT&T Mobility's motion for confidential treatment of Confidential Attachment A-1 and Confidential Attachment A-2, the affidavit of Celeste Spear in support of the motion, as well as Confidential Attachment A-1 and Confidential Attachment A-2.

The filings are being made by e-mail in accordance with the Commission's March 16, 2020 and April 16, 2020 Orders in Case No. 2020-00085. Please do not place Confidential Attachment A-1 and Confidential Attachment A-2 in the public files of the Commission pending resolution of AT&T Mobility's motion for confidential treatment.

Please contact me if you have any questions.

Very truly yours,


Mark R. Overstreet

MRO

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)

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

AT&T Mobility¹ respectfully submits this Petition for Confidential Treatment of Attachments A-1 and A-2 to the Certification and Report (“Certification”).² The 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 Celeste Spear (“Spear 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 confidential and proprietary information, including the Company’s network infrastructure, proposed service improvements, build out plans, and operating costs, that is exempt from

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

² As it has done in past years, AT&T Mobility providing the original of its Kentucky Service Improvement Plan (2021 Projection) (“**Confidential Attachment A-1**”) and its Kentucky Service Improvement Plan (2019 Actuals) (“**Confidential Attachment A-2**”). 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.”

inspection. AT&T Mobility, therefore, requests that the Commission afford Confidential Treatment to Attachments A-1 and A-2³ 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 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, ¶ 4.⁴ 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.

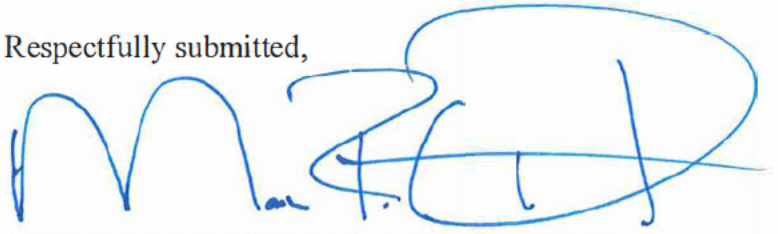
Accordingly, for the reasons explained above, the Company respectfully requests that the Commission issue an Order granting Confidential Treatment to Attachments A-1 and A-2 to AT&T Mobility's Certification.

This the 16th day of August, 2021.

³ 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.

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

Respectfully submitted,



Mark R. Overstreet
Katie M. Glass
STITES & HARBISON PLLC
421 West Main Street
P.O. Box 634
Frankfort, Kentucky 40602-0634
Telephone: (502) 223-3477
Facsimile: (502) 779 8349
moverstreet@stites.com
kglass@stites.com

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)

**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 Wilson)

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 2022, 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, 2021.

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 2022. The FCC released its *USF/ICC Transformation Order*¹ 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 (2020) and will use in the upcoming year (2022) 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 2022.

7. **Confidential Attachment A-2** explains how the Company spent the USF support that it received in 2020.

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

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

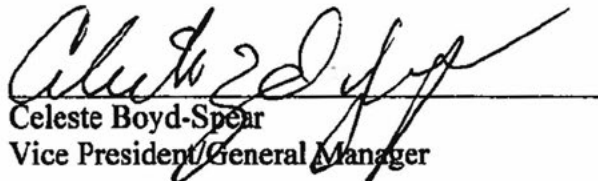
9. AT&T Mobility committed to annually report the number of requests for service from potential customers within its designated ETC service area that were unfulfilled. The Company has adopted the calendar year as the time period for purposes of this report. Accordingly, for the time period January 1, 2020 through December 31, 2020, 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, 2020 through December 31, 2020, the Company received 0.533 complaints per 1,000 customers statewide from the Attorney General, Better Business Bureau, and the FCC.

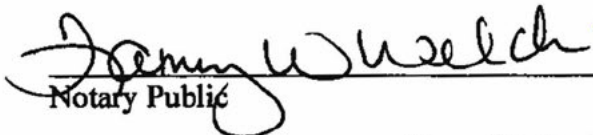
The matters addressed above are within my personal knowledge and are true and correct.

AT&T Mobility


Celeste Boyd-Spear
Vice President/General Manager

Subscribed and sworn to before me
this 11 day of August, 2021.




Notary Public

My Commission expires: 9-25-2022

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

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