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October 4, 2022

VIA ELECTRONIC MAIL: [psced@ky.gov](mailto:psced@ky.gov)

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

RECEIVED

OCT 04 2022

PUBLIC SERVICE  
COMMISSION

**Re: New Cingular Wireless d/b/a AT&T Mobility 2022 ETC Certification  
Administrative Case No. 381**

Dear Ms. Bridwell:

New Cingular PCS LLC d/b/a AT&T Mobility ("AT&T Mobility") hereby submits this Read 1<sup>st</sup> cover letter for its filing in this case of its 2022 Eligible Telecommunications Carrier certification. This filing is to completely replace an incomplete filing that was previously made in this matter on September 30, 2022.

Specifically, the previous filing included an incomplete scan of the Certification and Report and was missing Confidential Attachment A-1, the AT&T Kentucky Improvement Plan 2022 Projections. Confidential Attachment A-2, AT&T Kentucky 2021 Actual ETC Wireless Outages is also attached. AT&T Mobility is further filing a corrected Petition for Confidential Treatment for Confidential Attachments A-1 and A-2. In support of the petition for confidentiality, is a PDF version of the previously submitted affidavit of Cara Fields. This corrected filing is being made by electronic mail only in accordance with the Commission's March 16, 2020 and April 16, 2020 Orders in Case No. 2020-00085 given the confidential material being filed.

Please replace in its entirety the September 30, 2022 filing in this matter with this corrected version. Again, please do not place Confidential Attachments A-1 and A-2 in the public files of the Commission pending resolution of AT&T Mobility's Petition for Confidential Treatment.

If you have any questions or need further information, please contact me at the Louisville office listed above. I apologize for any inconvenience this may have caused. Thank you for your assistance and attention to this matter.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Cheryl R. New".

**FILING NOTICE AND CERTIFICATE**

The undersigned hereby certifies that a copy of the foregoing has been filed via the Commission's confidential email system at [psced@ky.gov](mailto:psced@ky.gov). Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085, a paper copy of this filing has not been transmitted to the Commission.

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

IN THE MATTER OF:

A CERTIFICATION OF THE CARRIERS  
RECEIVING FEDERAL UNIVERSAL SERVICE  
HIGH-COST SUPPORT

Administrative Case No. 381

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

Pursuant to KRS 61.878 (1)(c)(1), KAR 5:001 Section 13, and 807 KAR 5:001 Section 22, New Cingular Wireless PCS, LLC d/b/a AT&T Mobility (“AT&T Mobility”) respectfully submits this Petition for Confidential Treatment and Request for Deviation from Filing Requirements, for Attachments A-1 and A-2 to the Certification and Report (“Certification”).<sup>1</sup> The Petition is supported by the attached Affidavit of Cara Fields (“Fields 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 “records confidentially disclosed to an agency or required by an agency to be disclosed to it, 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)(1). As explained below, Attachments A-1 and A-2 to AT&T Mobility’s Certification are entirely comprised of confidential

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<sup>1</sup> As it has done in past years, AT&T Mobility is providing the original of its Kentucky Service Improvement Plan (2022 Projection) (“**Confidential Attachment A-1**”) and its 2021 Kentucky Service Improvement Plan Actuals (“**Confidential Attachment A-2**”). As all of the information in these attachments is confidential and proprietary, the public version of this attachment would provide “The entirety of each document is proprietary. There is no edited version.”

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>2</sup> for a period of ten (10) 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. If the information in Attachments A-1 and A-2 becomes publicly available because it is no longer competitively sensitive, AT&T Mobility will inform the Commission in writing and have its confidential status removed. 807 KAR 5:001 Section 13(10)(b).

The information for which confidential treatment is sought is neither generally known outside AT&T Mobility, nor is it provided to the public. The internal use of this information is restricted to only those employees who have a legitimate business reason for reviewing it, and AT&T Mobility attempts to control the dissemination of this information through all reasonable means, including this Petition. Fields Affidavit, ¶5. ¶

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 Attachment A-1 to be protected, if disclosed, 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. Fields Affidavit, ¶4. Armed with this information, a competitor could develop entry, marketing, or other strategies, which would likely ensure it success in competing with AT&T Mobility. Further, in a competitive market, any information gained about a competitor

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<sup>2</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 AT&T Mobility (*see* letter dated January 26, 2011, in this docket) is entitled to Confidential Treatment.

can be used to that competitor's detriment. Such an unfair competitive advantage skews the marketplace and prevents 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. AT&T Mobility seeks confidential protection for the entirety of Attachment A-1 given the pervasive nature of confidential information contained in the document. If the Commission disagrees, AT&T Mobility requests the Commission hold an evidentiary hearing to protect AT&T Mobility's due process rights and to supply the Commission with a complete record to enable it to reach a decision with regard to this matter. *See Utility Regulatory Comm'n v. Kentucky Water Service Co, Inc.*, 642 S.W.2d 591 (Ky. App. 1982).

Given AT&T Mobility has sought confidential treatment of the entirety of Attachments A-1 and A-2, redacted copies have not been filed or uploaded. To the extent required, AT&T Kentucky requests permission to deviate from filing requirements as described in 807 KAR 5:001 Section 13, pursuant to 807 KAR 5:001 Section 22.

Accordingly, for the reasons explained above, AT&T Mobility respectfully requests that the Commission issue an Order granting Confidential Treatment for a period of ten (10) years.

Respectfully submitted,

/s/ Cheryl R. Winn

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COUNSEL FOR AT&T KENTUCKY

**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 \_\_\_\_\_ )  
  ) )  
COUNTY OF \_\_\_\_\_ )

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*<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 (2021) and will use in the upcoming year (2023) 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 2023.

7. **Confidential Attachment A-2** explains how the Company spent the USF support that it received in 2021.

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 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, 2021 through December 31, 2021, 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, 2021 through December 31, 2021, the Company received 0.461 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**



Cara Fields  
Vice President/General Manager

Subscribed and sworn to before me  
this 1 day of September, 2022.

Eugenia Shakir  
Notary Public

My Commission expires: May 18, 2026



**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 CARA FIELDS IN SUPPORT OF  
PETITION OF AT&T MOBILITY (SAC 269905)  
FOR CONFIDENTIAL TREATMENT**

Cara Fields, 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.

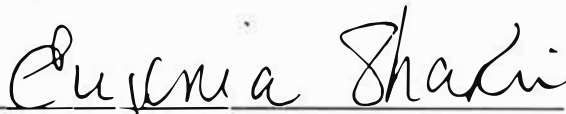
6. This information is protected internally by the Company as confidential, proprietary, and/or trade secret information.

  
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Cara Fields, Vice President/General Manager

STATE OF Georgia )  
COUNTY OF DeKalb )

Subscribed and sworn to before me by Cara Fields as Vice President / General Manager of AT&T Mobility Corporation, the manager for New Cingular Wireless PCS, LLC this 1 day of September, 2022.



  
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Notary Public

Public commission expires: May 18, 2026