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October 20, 2015

Jeff Derouen  
Executive Director  
Public Service Commission  
P.O. Box 615  
211 Sower Boulevard  
Frankfort, KY 40602-0615

Re: Application of Total Call Mobile, Inc. for Limited Designation as an Eligible  
Telecommunications Carrier  
Case No. 2014-00268

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Dear Mr. Derouen:

Enclosed please find:

1. An original and ten copies of **Total Call's Notice of Expansion of Service Area**; and

2. An original and ten copies of **Motion to File Under Seal The Service Area Map of AT&T Wireless**. A confidential copy of the AT&T Wireless' service area is being submitted separately in an envelope marked CONFIDENTIAL pursuant to 807 KAR 5:001, Section 13(2).

Please contact me if you have any questions regarding this filing.

Sincerely yours,

*/s/Devin D. Parram*

Devin D. Parram

DDP  
Enclosures

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PUBLIC SERVICE  
COMMISSION

October 20, 2015

Jeff Derouen  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, KY 40602-0615

Re: Total Call Mobile, Inc.'s Notice of Expansion of Service Area

Dear Mr. Derouen:

Total Call Mobile, Inc. ("Total Call") hereby submits notice that Total Call will be modifying its Kentucky Lifeline wireless services, which were approved by the Kentucky Public Service Commission ("Commission") on July 20, 2015. Total Call's specific Lifeline Plan was filed with the Commission on August 7, 2015. Total Call will be expanding its provision of wireless Lifeline service to AT&T Wireless' ("AT&T") service territory.

**Background:** On July 28, 2014, Total Call filed an application under 47 U.S.C. 214(e)(2) seeking designation as an Eligible Telecommunication Carrier ("ETC"). Total Call sought to receive federal low income Universal Service Fund ("USF") support for wireless services. Total Call sought ETC designation only for the purpose of participation in the Lifeline program. Total Call did not seek high-cost support. In its application, Total Call sought ETC designation in the service territory of one underlying carrier - Sprint PCS ("Sprint"). On July 20, 2015, the Commission approved Total Call's request to provide Lifeline service as an ETC in Sprint's service territory.

**Expanded Service Area:** Total Call will be expanding its service area to include AT&T's service area within Kentucky. Enclosed is AT&T's Service Area Map including cell site locations ("Attachment A – Confidential Version"). Along with the filing of this notice, Total Call has also filed a Motion for Protective Order with the Commission which requests protective treatment of Attachment A.

Jeff Derouen  
October 20, 2015  
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**Lifeline Plan Offered:** On August 7, 2015, Total Call filed its specific Lifeline Plan, as required by the Commission's July 20, 2015 Order. Total Call will provide the same Lifeline services in AT&T's territory that Total Call currently provides in Sprint's territory.

Sincerely yours,

*/s/ Mark S. Yurick*

Mark S. Yurick

MSY  
Enclosures

ATTACHMENT A –

**CONFIDENTIAL – FILED UNDER SEAL**

AT&T Wireless Service Area Map  
(including Cell Site Locations)

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

OCT 26 2015

PUBLIC SERVICE  
COMMISSION

In the Matter of:

APPLICATION OF TOTAL CALL MOBILE, )  
INC. FOR LIMITED DESIGNATION AS ) CASE NO.  
AN ELIGIBLE TELECOMMUNICATIONS ) 2014-00268  
CARRIER )

**TOTAL CALL MOBILE, INC'S MOTION TO FILE UNDER SEAL**  
**THE SERVICE AREA MAP OF AT&T WIRELESS**

Pursuant to 807 KAR 5:001 Section 13 and KRS 61.878, Total Call Mobile, Inc. ("Total Call"), respectfully requests confidential treatment of the Kentucky service area map of AT&T Wireless ("AT&T"). This service area map contains cell site information that is confidential and proprietary. Kentucky law and Commission precedent supports Total Call's request for protection of this information. Further support for this motion is provided in the attached memorandum in support.

Respectfully submitted,

/s/ Mark S. Yurick

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**Counsel for Total Call Mobile, Inc.**

## MEMORANDUM IN SUPPORT

Pursuant to 807 KAR 5:001 Section 13 and KRS 61.878, Total Call Mobile, Inc. (“Total Call”), respectfully requests confidential treatment of the service area map of AT&T (“AT&T Map”). Total Call is submitting the AT&T Map along with Total Call’s notice of expansion of its service area.

The AT&T Map contains cell site information and discloses the number and approximate locations of AT&T’s cell sites throughout the state. If this cell site information is disclosed to the public, this would allow AT&T’s competitors to make valuable inferences about AT&T’s network investments and strategies. This valuable information could be misused by AT&T’s competitors to gain an unfair advantage business advantage over AT&T. In addition, infrastructure records like this could be misused by anyone interested in exposing potential vulnerabilities in AT&T’s network operations. Further, AT&T has taken efforts to protect this map, has maintained it internally, and does not make this information available to the public. Total Call came into possession of this information only after entering into a confidentiality agreement with AT&T. As part of its agreement with AT&T, Total Call has committed to protecting this confidential information.

The confidential and proprietary information for which confidential protection is sought in this case is precisely the sort of information meant to be protected by KRS 61.878(1)(c)1. *In Hoy v. Kentucky Industrial Revitalization Authority*, 907 S.W.2d 766 (Ky. 1995), the Kentucky Supreme Court held that financial information submitted by General Electric Company with its application for investment tax credits was not subject to disclosure simply because it had been filed with a state agency. The Court applied the plain meaning rule to the statute, reasoning that “[i]t does not take a degree in finance to recognize that such information concerning the inner workings of a corporation is ‘generally recognized as confidential or proprietary.’” *Id.* at 768.

Similarly, the Kentucky Supreme Court applied the KRS 61.878(1)(c)1. “competitive injury” exemption to financial information that was in the possession of Kentucky’s Parks Department in *Marina Management Services, Inc. v. Commonwealth, Cabinet for Tourism*, 906 S.W.2d 318, 319 (Ky. 1995)(“These are records of privately owned marina operators, disclosure of which would unfairly advantage competing operators. The most obvious disadvantage may be the ability to ascertain the economic status of the entities without the hurdles systematically associated with acquisition of such information about privately owned organizations.”).

The Commission has protected confidential cell site information in prior cases. *In re BellSouth Telecommunications, Inc.*, Case No. 2010-00061, the Commission granted Sprint Communications Company, L.P.’s (“Sprint”) motion for confidential treatment of cell site maps.<sup>1</sup> In its letter granting Sprint’s motion, the Commission stated that disclosure of the information contained in the cell site maps “would cause competitive injury to the companies or harm to infrastructure of the public utility critical system of Sprint.”<sup>2</sup> The Commission should apply the same rationale to Total Call’s request to protect AT&T’s cell site information.

807 KAR 5:001 Section 13(2)(a)(2)(b) states the motion for confidential treatment must state the time period for the material to be treated as confidential and the reasons for this proposed time period. Total Call requests that the AT&T Map be protected as confidential for an indefinite period of time. Although it is clear that the AT&T Map is confidential and will continue to be so for a period of time, how long this information will remain confidential is currently unknown. Therefore, providing confidential treatment to Total Call for an indefinite period of time is reasonable.

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<sup>1</sup> *Petition of Bellsouth Telecommunications, Inc. d/b/a AT&T Kentucky for Arbitration of Interconnection Agreement with Sprint Communications Co., L.P., Sprint Spectrum L.P., Nextel West Corp., and NPCR, INC. d/b/a Nextel Partners*, Case No. 2010-00061, (PSC Letter granting Sprint’s Motion, August 25, 2010).

<sup>2</sup> *Id.* at 2.

Respectfully submitted,

/s/ Mark S. Yurick

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**Counsel for Total Call Mobile, Inc.**