

Brett N. Anderson
Kristy L. Bertelsen
Michael D. Blackburn
Mark D. Dean
Bret A. Gardner
Matthew V. Hess
Dori K. Petersen
Dena C. Sarandos
Pete B. Sarandos
Kira M. Slawson
Scott R. Taylor

BLACKBURN & STOLL, LC
Attorneys at Law
257 East 200 South, Suite 800
Salt Lake City, UT
84111-2142

Telephone (801) 521-7900
Fax (801) 521-7965

Kira M. Slawson
Direct Phone (801) 578-3578
kslawson@blackburn-stoll.com
Fax (801) 521-7965

November 8, 2023

VIA EMAIL
psc@utah.gov

Public Service Commission of Utah
Attn: Chair Levar
160 East 300 South, 4th Floor
Salt Lake City, UT 84101

Re: Claim of Business Confidentiality
Records Protected Under U.C.A. Section 63G-2-305

Dear Chair Levar:

We represent Central Utah Telephone, Inc. (“CUTI”). We are in receipt of your Notice dated November 2, 2023, sent via email in which you indicate the Public Service Commission received a records request from the Salt Lake Tribune for “the reports marked ‘confidential’ and/or ‘proprietary’ from dockets:

- 23-040-01
- 22-040-01
- 21-040-01
- 20-040-01
- 19-040-01

The Notice requests feedback from the utility identified in such docket. This will serve as CUTI’s written claim of business confidentiality pursuant to Utah Code Section 63G-2-309 with respect to all documents (including sections and tabs) marked “confidential” or “proprietary” in the above referenced docket numbers. The documents in such dockets marked “confidential” or “proprietary” are the Confidential Annual Report and Gross Revenue Reports which are mandatory submissions by CUTI pursuant to Utah Code §54-3-22 and Rule R746-400. Certain information contained in the Annual Report form is identified as Confidential and Subject to PSC R746-1-602 and 603, and includes trade secrets as defined in Section 13-24-2 of the Utah Code, or highly commercially sensitive information protected from disclosure by Utah Code Annotated §63G-2-305. Specifically, CUTI claims business confidentiality regarding all “Tabs” in the Annual Report except for the following:

- Instructions
- Cover

- Certificate of Oath
- Officers and Directors

Except for the information contained in the Tabs identified above, the Annual Report contains highly sensitive confidential financial information which should be protected from disclosure by Utah Code Annotated §63G-2-305. Specifically, the data included in the Annual Report identifies all revenues, costs, assets, depreciation, debt, investments, line/subscriber counts, rate base, and working cash for CUTI. The information contained in the Annual Report is highly sensitive commercial information. The disclosure of such commercially sensitive financial information would confer an economic value to CUTI's competitors, and a competitive injury to CUTI. CUTI provides this information to the Public Service Commission and the Division of Public Utilities with the understanding that the information will be treated as confidential and CUTI makes every effort to maintain the secrecy and the confidentiality of this information. Further this information, constitutes "trade secrets" as defined by Section 13-24-2 of Utah Code, because this information is "not generally known to, and not readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use."

The Annual Reports of CUTI referred to in the above-referenced dockets are protected records under Utah Code Annotated § 63G-2-305, and CUTI requests that such documents and their contents identified above in particular, not be released or disclosed until after such time as CUTI is given proper notice and afforded the opportunity to bring a judicial appeal pursuant to §63G-2-309 of the Utah Code.

If you have any questions, please do not hesitate to call.

Sincerely,

BLACKBURN & STOLL, LC



Kira M. Slawson
Attorneys for Central Utah Telephone, Inc.

cc: Central Utah Telephone, Inc.