

FILE

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May 3, 2007

VIA FEDERAL EXPRESS

Renee Jenkins
Director of Administration
Public Utilities Commission of Ohio
Docketing Division
180 East Broad Street
Columbus, OH 43215-3793

Re: *In the matter of the Application of Gold Radio Group, LLC for Certification as a Switched Local Telephone Service Provider*
Case No. 07-256-TP-ACE

Dear Ms. Jenkins:

Enclosed herewith for filing with the Public Utilities Commission of Ohio in the above-referenced matter are the original and twelve (12) copies of the Motions for Protective Order and Waiver of Rule 4901-1-24(F) and the accompanying Memorandum in Support.

After filing, please return one file-stamped copy to us in the enclosed self-addressed stamped envelope. Thank you for your assistance in this matter, and if you have any questions, please call me.

Very truly yours,

DINSMORE & SHOHL LLP



Holly C. Wallace

HCW/rk
Enclosures

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the matter of the Application of)	
Gold Radio Group, LLC for)	
Certification as a Switched Local)	Case No. 07-256-TP-ACE
Telephone Service Provider)	

MOTIONS FOR PROTECTIVE ORDER AND WAIVER OF RULE 4901-1-24(F)

Pursuant to Section 4901-1-24(D) of the Ohio Administrative Code, Gold Radio Group, LLC ("Gold Radio") respectfully moves the Public Utilities Commission of Ohio ("PUCO" or "Commission") to: 1) issue a Protective Order with regard to Exhibit I to Gold Radio's Application for Certification as a Switched Local Telephone Service Provider (the "Application"); and 2) grant a waiver of Rule 4901-1-24(F) of the Administrative Code. In support of its motions, Gold Radio submits the attached Memorandum in Support.

Respectfully submitted,



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(502) 540-2300
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Counsel to Gold Radio Group, LLC

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the matter of the Application of)	
Gold Radio Group, LLC for)	
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**MEMORANDUM IN SUPPORT OF MOTIONS FOR PROTECTIVE ORDER
AND WAIVER OF RULE 4901-1-24(F)**

Gold Radio Group, LLC ("Gold Radio") seeks a protective order to protect the confidentiality and prohibit the disclosure of Exhibit I to the Application for Certification as a Switched Local Telephone Service Provider. Exhibit I, which was clearly marked as confidential when filed contemporaneously with the Application for Certification, contains competitively-sensitive, proprietary financial information and business plans which constitute trade secrets within the meaning of Sec. 1333.61(d) of the Ohio Revised Code.

Trade Secret is defined as:

[I]nformation, including the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula, pattern, compilation, program, device, method, technique, or improvement, or any business information or plans, financial information, or listing of names, addresses, or telephone numbers, that satisfies both of the following:

(1) It derives independent economic value, actual or potential, from not being generally known to, or not being readily ascertainable by proper means, by other person who can obtain economic value from its disclosure or use.

(2) It is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

R.C. §1333.61(d) (emphasis added).

Exhibit I contains proprietary financial information and business plans that are not generally known or available to the general public. Public disclosure of this information would jeopardize Gold Radio's ability to negotiate and to compete in the marketplace. Therefore, Exhibit I constitutes a trade secret within the meaning of the Revised Code.

Pursuant to Rule 4901-1-24(D) of the Ohio Administrative Code, the Commission may issue an order protecting the confidentiality of information where it constitutes a trade secret and where non-disclosure is not inconsistent with Title 49 of the Ohio Revised Code. As discussed above, Exhibit I constitutes a trade secret within the meaning of the Ohio Revised Code. Moreover, non-disclosure is not inconsistent with Title 49 of the Revised Code. Both Sections 4901-12 and 4905-07 of the Revised Code allow exceptions to the rule that all proceedings of the Public Utilities Commission of Ohio are public. Those exceptions are outlined in Sec. 149.43 which excludes the release of intellectual property records. Trade secrets are intellectual property; therefore, Exhibit I is not a public record and not subject to disclosure under Title 49 of the Revised Code.

In addition to seeking a protective order for Exhibit I, Gold Radio also requests a waiver of Rule 4901-1-24(F) of the Ohio Administrative Code which would result in rescinding the protective order after eighteen months. Gold Radio asserts that Exhibit I, which contains confidential information today, will be no less confidential in eighteen months. Disclosure of the information in a competitive marketplace would have an adverse impact on Gold Radio's ability to do business. Thus, it is imperative that Exhibit I remain confidential.

Accordingly, Gold Radio Group, LLC respectfully requests that the Commission grant its Motion for a Protective Order pursuant to Sec. 4901-1-24(D) of the Ohio Administrative Code and

its Motion for a Waiver of Rule 4901-1-24(F) for the reasons set forth above.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "H C Wallace".

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