

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Peerless )  
Network of Ohio, LLC for a Certificate of )  
Public Convenience and Necessity to Provide ) Case No. 08-891-TP-ACE  
Local Exchange Service and Interexchange )  
Telecommunications Services within the State )  
of Ohio. )

ENTRY

The attorney examiner finds:

- (1) On July 17, 2008, the applicant, Peerless Network of Ohio, LLC (Peerless) filed an application in this case seeking a certificate of public convenience and necessity to provide local exchange service in telephone exchanges identified in the application and interexchange services throughout the state of Ohio.
- (2) On July 17, 2008, counsel for the applicant filed a motion for protective order by which the applicant seeks to protect the confidentiality of the financial information set forth in Exhibit D to its certification application, which has been marked confidential and filed under seal. The information for which protective treatment is sought consists of: (a) Exhibit D-1 to the application, an executive summary describing the applicant's current financial condition, liquidity, and capital resources; (b) Exhibit D-2 to the application, the applicant's current actual and pro forma income statement and balance sheet; and (c) Exhibit D-3 to the application, documentation regarding the applicant's current cash and funding sources.
- (3) Peerless is privately held, rather than a publicly traded company. In its motion for a protective order, the applicant indicates that the involved financial information is not otherwise available to the applicant's competitors. Further, the applicant submits that disclosure of this information could be competitively damaging to the applicant.
- (4) Under certain limited circumstances, the Commission has been willing to grant motions of telephone companies who seek to protect the confidentiality of the financial information

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they are required to submit as part of their certification applications. To date, such protection has been granted for periods of up to 18 months, where the company seeking the protective order can show that:

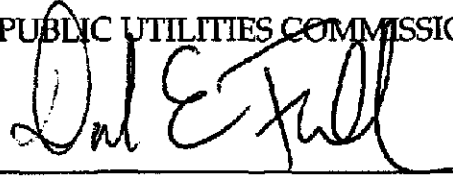
- (a) It is privately held, or is a company that as a wholly owned subsidiary of a public traded company, does not routinely publicly report its financial status; and
  - (b) The information for which protective status is sought represents recent historical, contemporaneous, or projected details about the operations and/or finances of the company seeking the protective order that are competitively sensitive and have never previously been made available to the general public or filed with any other public agency.
- (5) Each of the above criteria has been met in this case with respect to Exhibit D of the certification application filed by Peerless in this case. Accordingly, the motion for protective order filed by Peerless in this docket should be granted, such that, unless and until specifically ordered otherwise, public disclosure of Exhibit D to the certification application that was filed by Peerless under seal in this case shall occur for the first time on the date 18 months from the date of the issuance of this protective order. In the event that Peerless should desire to seek continued protective treatment for this information beyond this 18-month period, it must make application for such continued protection in compliance with Rule 4901-1-24(F), Ohio Administrative Code (O.A.C.).

It is, therefore,

ORDERED, That the motion for protective order filed by Peerless in this case is granted. It is, further,

ORDERED, That a copy of this entry be served upon Peerless, and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Daniel E. Fullin  
Attorney Examiner

GRJ  
geb

Entered in the Journal

AUG 14 2008



Renee J. Jenkins  
Secretary