

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Neutral)
Tandem-Michigan, LLC for a Certificate of)
Public Convenience and Necessity to Provide) Case No. 04-404-TP-ACE
Local Exchange and Interexchange Services)
within the State of Ohio.)

ENTRY

The attorney examiner finds:

- (1) On March 26, 2004, Neutral Tandem-Michigan, LLC (Neutral Tandem) filed an application seeking a certificate of public convenience and necessity to provide resold and facilities-based local exchange service and interexchange telecommunications services in Ohio.
- (2) Neutral Tandem has filed a motion for protective order by which it seeks to protect the confidentiality of the financial information set forth in Exhibit I to its application. The financial information for which protective treatment is sought consists of the applicant's balance sheet, income statement, and cash flow statement for the period ending on January 31, 2004. In its motion for a protective order, Neutral Tandem indicates that it is not a publicly traded company and 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.
- (3) 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 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.

- (4) Each of the above criteria have been met in this case with respect to Exhibit I of the application, setting forth the applicant's balance sheet, income statement, and cash flow statement for the period ending on January 31, 2004. Accordingly, Neutral Tandem's motion for protective order filed in this docket should be granted, such that, unless and until specifically ordered otherwise, public disclosure of Exhibit I to the application shall occur for the first time on September 26, 2005, i.e., the date 18 months from the original filing of Exhibit I on March 26, 2004. In the event that Neutral Tandem 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,

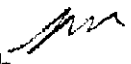
ORDERED, That Neutral Tandem's motion for protective order is granted. Accordingly, unless and until specifically ordered otherwise, public disclosure of Exhibit I to the application shall occur for the first time on September 26, 2005, i.e., the date 18 months from the original filing of Exhibit I on March 26, 2004. In the event that Neutral Tandem 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), O.A.C. It is, further,


ORDERED, That in this entry shall not be binding upon the Commission in any subsequent investigation or proceeding involving the justness or reasonableness of any rate, charge, rule, or regulation. It is, further,

ORDERED, That a copy of this finding and order be served upon Neutral Tandem, and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

By: 
Daniel E. Fullin
Attorney Examiner

geb 
Entered in the Journal
MAY 28 2004



Renee J. Jenkins
Secretary