

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The)
Ohio Bell Telephone Company d/b/a)
AT&T Ohio for Approval of an Alternative)
Form of Regulation of Basic Local Exchange) Case No. 08-107-TP-BLS
and Other Tier 1 Services Pursuant to)
Chapter 4901:1-4, Ohio Administrative)
Code.)

ENTRY

The attorney examiner finds:

- (1) In accordance with its Entry of February 27, 2008 and its Opinion and Order of June 25, 2008, the Commission granted AT&T Ohio's and the Ohio Consumers' Counsel's respective motions for a protective order regarding proprietary information that was filed as part of AT&T Ohio's application in this proceeding.
- (2) Pursuant to its motion of June 25, 2009, AT&T Ohio seeks an extension of the protective orders for an unlimited period of time. In support of its request, AT&T Ohio explains that the relevant information consists of competitive local exchange carrier (CLEC) line counts and the count of other CLEC and wireless carrier presence indicators. AT&T Ohio submits that, while the information is no longer the most current information on the presence of CLEC and wireless providers and CLEC market share in the AT&T Ohio exchanges, the information is not considered by those entities to be transitory. Further, AT&T Ohio explains that, consistent with the terms of its interconnection agreements with CLECs and wireless carriers, it is required to continue to safeguard the confidential information in its possession.

AT&T Ohio asserts that the designated information must be continued to be protected due to the fact that it constitutes a trade secret pursuant to Section 1333.61(D), Revised Code. AT&T Ohio contends that protection of trade secret information from public disclosure is consistent with the purposes of Title 49, Revised Code, inasmuch as the Commission and its staff have access to the information and, as in this case, the parties may have access under an appropriate protective agreement.

- (3) On July 9, 2009, and July 13, 2009, AT&T Ohio filed a letter(s) from some of the telephone companies whose data is the subject of the protective orders for which an extension is being sought. Specially, letters were filed by Cellco Partnership dba Verizon Wireless, MCImetro Access Transmission Services, LLC dba Verizon Access Transmission Services, MCI Communications Services, Inc. dba Verizon Business Services, and Sage Telecom Inc. The letters reflect the individual companies desire to continue to maintain the confidential status of their company-specific data inasmuch as it continues to be a trade secret.
- (4) Based on the arguments presented the Commission determines that the previously issued protective orders should be extended due to the continued proprietary nature of the relevant information. However, in reaching this decision, the Commission finds that the protective orders should be extended for a period of 18 months from the date of their scheduled expiration, rather than the requested indefinite time frame.

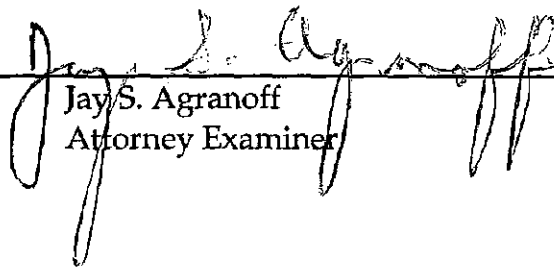
In support of this determination, the Commission references the fact that orders prohibiting public disclosure of documents automatically expire 18 months from the date of issuance. Although a party may, pursuant to Rule 4901-1-24, Ohio Administrative Code, seek an extension of a protective order, the requesting entity must demonstrate the need for the specific time frame requested. While AT&T Ohio has failed to establish a specific time frame and, instead, simply states that the obligation to extend the confidential treatment of the information is not time-limited, the Commission concludes that, consistent with its rules, the maximum extension of the protective orders shall be limited to an additional 18 months coincident with the demonstration that the protected status continues to be required. After this period of time, AT&T Ohio should request that the applicable CLECs and commercial mobile radio service providers perform an evaluation in order to determine whether their company-specific data continues to require protective treatment.

It is, therefore,

ORDERED, That the protective orders of February 27, 2008, and June 25, 2008, shall be extended in accordance with Finding (4). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

By:  Jay S. Agranoff
Attorney Examiner

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geb

Entered in the Journal

JUL 20 2009



Renee J. Jenkins
Secretary