

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Impact)
Telecom, Inc. for a Certificate of Public)
Convenience and Necessity to Provide) Case No. 10-21-TP-ACE
Competitive Telecommunications Services)
Within the State of Ohio.)

ENTRY

The attorney examiner finds:

- (1) On January 8, 2010, the applicant, Impact Telecom, Inc., (Impact), filed an application in this case seeking a certificate of public convenience and necessity to provide competitive telecommunications services in the state of Ohio.
- (2) On January 8, 2010, 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 Exhibits D1, D2, and D3 to its certification application, which have been marked confidential and filed under seal. The information for which protective treatment is sought consists of recent financial statements of the applicant.
- (3) Impact 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 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 Exhibits D1, D2, and D3 of the certification application filed by Impact in this case. Accordingly, the motion for protective order filed by Impact in this docket should be granted, such that, unless and until specifically ordered otherwise, public disclosure of Exhibits D1, D2, and D3 to the certification application that were filed by Impact 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 Impact 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 Impact in this case be granted in accordance with finding (5). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Daniel E. Fullin
Attorney Examiner

gdg /dah

Entered in the Journal

JAN 19 2010



Renee J. Jenkins
Secretary