

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Venture)	
Management Holdings, Ltd.,)	
)	
Complainant,)	
)	
v.)	Case No. 06-1162-TP-CSS
)	
AT&T Ohio,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On August 15, 2007, the Commission issued an opinion and order in which, among other things, it granted an April 23, 2007, motion for protective order requested by Venture Management Holdings, Ltd. (Venture Management). Venture Management sought to protect confidential information obtained from AT&T Ohio (AT&T).
- (2) Since the initial protective order, the attorney examiner has granted two requests for extensions filed by AT&T. On December 16, 2008, AT&T filed a motion to extend the protective order for an unlimited period of time. AT&T explained that the order protects confidential information that AT&T provided to Venture Management through discovery. AT&T alleged that Venture Management used the confidential information in a hearing exhibit and that the exhibit is now part of the record in this proceeding.
- (3) By entry issued July 16, 2010, the attorney examiner granted AT&T's motion but limited the protective order to 18 months, beginning February 15, 2009. Consequently, the protective order was set to expire on August 14, 2010. The attorney examiner instructed AT&T to file a motion for protective order prior to the expiration date if it wished to continue the protective order.

- (4) On July 28, 2010, AT&T filed a motion to continue the order for an additional 18-month period. By entry issued August 24, 2010, the attorney examiner granted AT&T's motion for protective order. The entry specified that the order would remain in effect from August 15, 2010, to February 15, 2012.
- (5) On December 30, 2011, AT&T filed a motion pursuant to Rule 4901-1-24(F), Ohio Administrative Code (O.A.C.), seeking an additional 18-month extension of the current protective order. By its motion, AT&T urges the Commission to maintain as confidential Complainant's Exhibit A and Respondent's Exhibit 3. In its motion, AT&T states that the exhibits relate to company-specific cost information contained in the Custom Work Order (CWO), a bill support document. A CWO contains information that AT&T regards as confidential, such as labor rates and corporate overhead costs. AT&T states that it excludes such information from public disclosure. AT&T points out that the protective order also protects trade secret business practices set forth in the company's Operating Practice 46. AT&T explains that Operating Practice 46 is a detailed internal company manual that is used to create CWOs.
- (6) In its memorandum, AT&T argues that protection must continue because the CWO billing process is still in place and Operating Practice 46 is still in force. Noting that Operating Practice 46 has been updated, AT&T emphasizes that most of the information, as well as the format and structure of the document, is proprietary and confidential. Citing Commission rules, statutes, and case law, AT&T concludes that the information it seeks to protect qualifies and is entitled to treatment as a trade secret.
- (7) The motion for protective order should be granted. Rule 4901-1-24(D), O.A.C., states in pertinent part that "[u]pon motion of any party...with regard to the filing of a document...an attorney examiner may issue any order which is necessary to protect the confidentiality of information contained in the document...." Upon review of the material, the attorney examiner finds sensitive information that should be regarded as trade secret material. The attorney examiner, however, notes that there has been a significant passage of time since the filing of confidential information in this proceeding. If AT&T wishes to extend the protective order beyond the August 15, 2013,


expiration date, it should explain in greater detail why the information merits continued protection.


It is, therefore,

ORDERED, That, in accordance with Finding (7), the motion for protective order filed on December 30, 2011, is granted and, in accordance with Rule 4901-1-24(F), O.A.C., shall remain in effect for the 18-month period ending on August 15, 2013. It is, further,

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

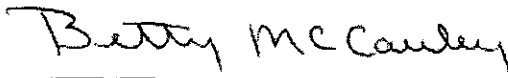
THE PUBLIC UTILITIES COMMISSION OF OHIO


By: L. Douglas Jennings
Attorney Examiner


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Entered in the Journal

JAN 12 2012


Betty McCauley
Secretary