

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of AT&T )  
Ohio for Approval of an Alternate Form of )  
Regulation of Basic Local Exchange and ) Case No. 08-912-TP-BLS  
Other Tier 1 Services Pursuant to Chapter )  
4901:1-4, Ohio Administrative Code. )

ENTRY

The attorney examiner finds:

- (1) In accordance with the attorney examiner entry of August 8, 2008, AT&T Ohio's motion for a protective order was granted regarding proprietary information that was filed as part of AT&T Ohio's application in this proceeding.
- (2) By Entry of February 11, 2010, the request of AT&T Ohio to further extend the protective order was granted.
- (3) Pursuant to its motion of June 16, 2011, AT&T Ohio seeks an extension of the protective order for 18 months. 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 133.61(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 order.

- (4) On June 20, 2011, AT&T Ohio filed a letter from one of the telephone companies whose data is the subject of the protective orders for which an extension is being sought. Specifically, a letter was filed by Verizon Business Services. The letter reflects the individual company's desire to continue to maintain the confidential status of its company-specific data inasmuch as it continues to be a trade secret.
- (5) Based on the arguments presented, the attorney examiner determines that the previously issued protective order should be extended for 18 months from the date of this Entry due to the continued proprietary nature of the relevant information. 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.
- (6) Rule 4901-1-24(F), Ohio Administrative Code, requires a party wishing to extend a protective order to file an appropriate motion at least 45 days in advance of the expiration date. If AT&T Ohio wishes to extend this confidential treatment, it must file a motion, at least 45 days prior to the expiration date that includes a detailed discussion of the need for continued protection.

It is, therefore,

ORDERED, That the protective order of August 12, 2008, shall be extended a second time in accordance with Finding (5). It is, further,

ORDERED, That the Commission's docketing division continue to maintain the proprietary information under seal for a period of 18 months from the date of this Entry. 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

s/ Jay S. Agranoff

By: Jay S. Agranoff  
Attorney Examiner

jrj/vrm

**This foregoing document was electronically filed with the Public Utilities**

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**in**

**Case No(s). 08-0912-TP-BLS**

Summary: Attorney Examiner Entry extending a second time the protective order of August 12, 2008 electronically filed by Vesta R Miller on behalf of Jay S. Agranoff, Attorney Examiner, Public Utilities Commission of Ohio