

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE ANNUAL FILING
REQUIREMENTS FOR 2014 PERTAINING
TO THE PROVISIONING OF HIGH COST
UNIVERSAL SERVICE.

CASE No. 14-1115-TP-COI

ENTRY

Entered in the Journal on September 12, 2018

{¶ 1} On June 30, 2014, Middle Point Home Telephone Company (Middle Point) filed information in response to the attorney examiner Entry of May 28, 2014. Middle Point filed redacted information accompanied by a motion for protective treatment.

{¶ 2} Middle Point renewed its motion for protective treatment on August 23, 2016.

{¶ 3} Pursuant to the Entry of August 26, 2016, the attorney examiner determined that the motions for protective treatment were reasonable and should be granted.

{¶ 4} On July 10, 2018, Middle Point filed a motion for extension of the previously granted protective treatment. In support of its motion, Middle Point states that it has reviewed the information covered by the prior protective order and has determined that it remains a corporate asset that retains its value because it is a trade secret. Specifically, Middle Point represents that the material is competitively sensitive, highly proprietary business, and financial documentation, including information related to balance sheets and future plans. According to Middle Point, these materials remain confidential and retain their value because they are not generally available.

{¶ 5} The attorney examiner has reviewed the arguments presented, and the information included in this motion. Applying the requirements that the information have independent economic value and be the subject of reasonable efforts to maintain its secrecy pursuant to R. C. 1333.61(D), as well as the six-factor test set forth by the Ohio

Supreme Court,¹ the attorney examiner finds that the subject operational and financial information constitutes trade secret information. Its release is, therefore, prohibited under state law. The attorney examiner also finds that nondisclosure of this information is not inconsistent with the purposes of Title 49 of the Revised Code. Finally, the attorney examiner concludes that these documents could not be reasonably redacted to remove the confidential information contained therein. Therefore, the attorney examiner determines that the motion to continue the protective order should be granted due to the continued proprietary nature of the relevant information. Specifically, the previously issued protective orders should be extended for a period of twenty-four months until August 26, 2020.

{¶ 6} The attorney examiner also wishes to clarify that Middle Point will need to be specific and thorough in justifying a request for future extended protective treatment, and explain, in detail, why financial and business information filed under seal in 2014 requires continued protective treatment beyond August 26, 2020. Moreover, the attorney examiner would further note that, as protected financial and business information becomes more and more outdated, the Commission will increasingly question whether the information continues to retain independent economic value and should be subject to continued protection.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That the motion for an extension of protective treatment be granted. It is, further,

{¶ 9} ORDERED, That the docketing division continue to maintain the operational and financial information under seal until August 26, 2020. It is, further,

¹ See *State ex rel. The Plain Dealer v. Ohio Dept. of Ins.*, 80 Ohio St.3d 513, 524-525, 687 N.E.2d 661 (1997).

{¶ 10} ORDERED, That nothing contained in this Entry shall be deemed 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,

{¶ 11} 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/mef

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9/12/2018 1:03:03 PM

in

Case No(s). 14-1115-TP-COI

Summary: Attorney Examiner Entry granting the motion for protective treatment; and, ordering the docketing division to continue to maintain the operational and financial information under seal until 8/26/20. electronically filed by Ms. Mary E Fischer on behalf of Jay S. Agranoff, Attorney Examiner, Public Utilities Commission of Ohio