

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Clear Rate)
Communications, Inc. for a Certificate of)
Public Convenience and Necessity to Provide) Case No. 07-819-TP-ACE
Local Exchange Service Telecommunications)
Services Within the State of Ohio.)

ENTRY

The attorney examiner finds:

- (1) On July 18, 2007, the applicant, Clear Rate Communications, Inc. (Clear Rate), filed an application seeking a certificate of public convenience and necessity to provide local exchange service in Ohio.
- (2) Along with its certification application, Clear Rate has filed a motion for protective order by which it seeks to protect the confidentiality of the financial information set forth in Exhibit I to its certification application, which has been marked confidential and filed under seal. The information for which protective treatment is sought consists of the applicant's balance sheet as well as its profit and loss statement, both covering the year 2006. Clear Rate is privately held, rather than a publicly traded company. In its motion for a protective order, Clear Rate 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.
- (3) 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

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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.
- (4) Each of the above criteria has been met in this case with respect to Exhibit I of Clear Rate's certification application. Accordingly, Clear Rate's motion for protective order filed in this docket should be granted, such that, unless and until specifically ordered otherwise, public disclosure of Exhibits I to Clear Rate's certification application that was filed under seal shall occur for the first time on February 7, 2009. In the event that Clear Rate 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.).

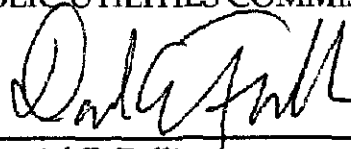
It is, therefore,

ORDERED, That Clear Rate's motion for protective order is granted. Accordingly, unless and until specifically ordered otherwise, public disclosure of the Exhibit I to Clear Rate's certification application shall occur for the first time on February 7, 2009. In the event that Clear Rate 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), O.A.C. It is, further,

ORDERED, That this entry shall not be 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,

ORDERED, That a copy of this finding and order be served upon Clear Rate, and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Daniel E. Fullin
Attorney Examiner

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Entered in the Journal

AUG 08 2007



Renee J. Jenkins
Secretary