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FILE

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

2007 DEC 27 AM 10:47

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In the Matter of the	)	
	)	
Telecommunications Application Form for	)	07-1313-TP-ACE
CBB Carrier Services, Inc.	)	

CBB CARRIER SERVICES, INC. MOTION FOR PROTECTIVE ORDER

CBB Carrier Services, Inc. ("CBB"), by its attorneys and pursuant to OAC 4901-1-24(D) of the Ohio Administrative Code, moves for a protective order keeping confidential its financial information submitted in support of its Telecommunications Application Form ("Application"). The financial information is protected trade-secret information. CBB protects this information from public disclosure and therefore the release of this information would give an unfair advantage to the competitors of CBB.

OAC 4901-1-24(D) provides that the Commission or certain designated employees may issue an order which is necessary to protect the confidentially of information contained in documents filed with the Commission's Docketing Division to the extent that state or federal law prohibits the release of the information, and where the non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code.

The Commission has recognized its statutory obligation to protect trade secret information. *See* In re: General Telephone Co., Case No. 81-383-TP-AIR (Feb. 17, 1982). The Ohio General Assembly has granted to all businesses, including public utilities, protection of

trade secrets through the Uniform Trade Secrets Act. The Commission has previously carried out its obligation in this regard in numerous proceedings.

The non-disclosure of the information will not impair the purposes of Title 49. The Commission and its Staff will have full access to the information in order to fulfill its statutory obligations. No purpose of Title 49 would be served by the public disclosure of the information.

Rule 515-3-1.11 requires that a party claiming that information constitutes a trade secret prove, in writing, the basis of this claim. Rule 515-3-1.11(c) specifically requires that this statement detail (1) the economic benefit derived from the information not being generally known; (2) the economic benefit to others if disclosure were to occur and (3) the procedures utilized to maintain confidentiality. This Statement of Confidentiality is submitted to meet these requirements.

The financial statements submitted by the Applicant in support of its Application contains information from which its competitors would derive economic value, and therefore the Applicant seeks to protect such material from public disclosure. CBB is a privately-held company, presently immune from a legal obligation to prepare or submit financial statements, or any other financial information, to any public entity. CBB protects this information as confidential and does not make this information publicly available. As such, the financial statements attached are not readily available to persons external to the Applicant and its related entities. CBB's financial statements, therefore, are proprietary in nature and should be held in the strictest confidence possible.

The Applicant derives economic value from the financial statements not being readily ascertainable by proper means by other persons who can obtain economic value from their

disclosure or use. Disclosure of CBB's financials would provide the Applicants' competitors with valuable market information relating to the Applicants' present and future financial condition, including its ability to extend its service and to market to new customers. CBB's competitors could use such information to better compete for its customers. Given this fact, the disclosure of this information could provide existing and potential competitors in Ohio, as well as in other states in which the Applicant provides or intends to provide telecommunications service, with an unfair and undeserved competitive advantage. As such, the Applicant has provided its financial information attached under confidential seal.

Dated: December 26, 2007

Respectfully submitted,

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