

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's Investigation )  
into Continuation of the Ohio ) Case No. 08-439-TP-COI  
Telecommunications Relay Service )

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MOTION FOR PROTECTIVE ORDER

Pursuant to Ohio Adm.Code 4901-1-24(D), Hamilton Telephone Company d/b/a Hamilton Telecommunications ("Hamilton") hereby moves the Commission for a protective order regarding the confidential information that it is filing contemporaneously with this Motion, specifically the following sections that are included in Hamilton's proposal to provide TRS in Ohio (the "Confidential Information"): Tab 7 (Pricing), Attachment C (Quality Assurance), Attachment D (Network Maps), Attachment E (Disaster Recovery Plan), Attachment I (Financial History), Attachment L (CA Training), and Attachment M (Policy and Procedures Manual).

Hamilton requests that the Commission issue such order as is necessary to protect the Confidential Information. Non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code because the Commission and its Staff will have full access to the Confidential Information in order to fulfill their statutory obligations.

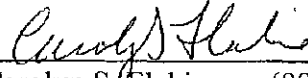
Consistent with the procedure set forth in the Commission's Request For Proposal issued November 25, 2008, the original and ten (10) copies of the Confidential Information has been filed under seal.

The basis for this Motion may be found in the attached Memorandum of Support.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
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Respectfully submitted,

HAMILTON TELEPHONE COMPANY  
D/B/A HAMILTON TELECOMMUNICATIONS



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Its Counsel

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**MEMORANDUM IN SUPPORT OF  
MOTION FOR PROTECTIVE ORDER**

Hamilton Telephone Company d/b/a Hamilton Telecommunications (“Hamilton”) is concurrently filing a proposal to provide TRS in Ohio (the “Proposal”). The Proposal includes Tab 7 (Pricing) and Attachments C, D, E, I, L, and M, which provide the Commission with documentation relative to Pricing, Quality Assurance, Network Maps, Disaster Recovery, Financial History, CA Training and Policy and Procedures, respectively (together, the “Confidential Information”). Because Hamilton considers the information in Tab 7 and those Attachments to be confidential, Tab 7 and Attachments C, D, E, I, L, and M have been filed under seal as required by Ohio Adm.Code 4901-1-24(D).

The Confidential Information includes detail about the operations and finances of Hamilton that would be of significant interest to competitors. Consequently, that data constitutes confidential information that should not be disclosed in the public record.

The Confidential Information constitutes trade secrets as defined in Revised Code §1333.61(D). The information (1) derives economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use, and (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

The Ohio Supreme Court adopted six factors to be used in determining whether a trade secret claim meets the statutory definition:

- 1) The extent to which the information is known outside the business;
- 2) The extent to which it is known to those inside the business, i.e., by the employees;
- 3) The precautions taken by the holder of the trade secret to guard the secrecy of the information;
- 4) The savings effected and the value to the holder in having the information as against competitors;
- 5) The amount of effort or money expended in obtaining and developing the information; and
- 6) The amount of time and expense it would take for others to acquire and duplicate the information.

*State ex rel. The Plain Dealer v. Ohio Dept. of Ins.*, 80 Ohio St.3d 513, 524-525 (1997).

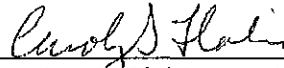
The Confidential Information is not known outside of Hamilton and is known within Hamilton only to senior managers and a limited number of employees with a particular need to know. Hamilton has taken precautions to guard the secrecy of the Confidential Information by limiting its dissemination. Further, Hamilton expended a significant amount of time and money in developing the Confidential Information. Disclosure of the Confidential Information would harm Hamilton's competitive position in the marketplace. (See attached Affidavit of John Nelson, Vice President, Hamilton Telephone Company.)

The protection of trade secret information from public disclosure is consistent with the purposes of Title 49 because the Commission and its Staff have access to the information. Granting protection of the Confidential Information requested herein will not impair the Commission's regulatory responsibilities.

Confidential treatment of Tab 7 and Attachments C, D, E, I, L, and M, to the Proposal is therefore both appropriate and required by Ohio law and the Commission's rules. For the foregoing reasons, Hamilton prays that its Motion for Protective Order be granted.

Respectfully submitted,

HAMILTON TELEPHONE COMPANY  
D/B/A HAMILTON TELECOMMUNICATIONS



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**AFFIDAVIT OF JOHN NELSON**

STATE OF NEBRASKA

COUNTY OF HAMILTON

**NOW COMES** John Nelson, being first duly cautioned and sworn, deposes and says as follows:

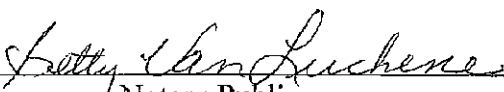
1. I am Vice President of Hamilton Telephone Company d/b/a Hamilton Telecommunications ("Hamilton"), 1001 12<sup>th</sup> Street, Aurora, Nebraska, 68818. I make this Affidavit on behalf of Hamilton, and do so in the ordinary discharge of my responsibilities.
2. I have personal knowledge of all relevant matters pertaining to the proposal to provide TRS in Ohio that Hamilton is contemporaneously filing with the Public Utilities Commission of Ohio (the "Proposal"). I am authorized to make this Affidavit on behalf of Hamilton.
3. Hamilton considers the information in the Proposal designated as Tab 7 and Attachments C, D, E, I, L, and M, (the "Confidential Information") to be confidential.
4. The Confidential Information is not otherwise available to the general public, and includes detail about the operations and finances of Hamilton that would be of significant interest to competitors. Consequently, Hamilton is requesting that the Confidential Information not be disclosed to the public.

5. The Confidential Information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means, by other persons who can derive economic value from its disclosure or use.
6. The Confidential Information is provided only to Hamilton's senior management and a restricted list of employees who have a particular need to know the Confidential Information.
7. The Confidential Information is indicative of Hamilton's current and future business plans and, therefore, public disclosure of the Confidential Information would place Hamilton at a competitive and economic disadvantage.
8. The Confidential Information is the subject of efforts by Hamilton that are reasonable under the circumstances to maintain its secrecy.
9. Hamilton has expended a significant amount of time and money to develop the Confidential Information. Disclosure of the Confidential Information would harm Hamilton's competitive position in the marketplace.

**FURTHER AFFIANT SAYETH NAUGHT.**

  
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John Nelson

Sworn to before me and subscribed in my presence this 23<sup>rd</sup> day of January 2009.

  
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Notary Public

