

FILE

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF OHIO

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In the Matter of the Application of)
Consumer Telcom, Inc.)
to provide non-facilities-based intrastate interexchange) Case No. **09-310-TP-ACE**
telecommunications services throughout the State of Ohio)

MOTION FOR PROTECTIVE ORDER

Consumer Telcom, Inc. ("Consumer Telcom"), by its undersigned counsel, and pursuant to the Public Utility Commission of Ohio ("Commission") rule 4901-1-24, Motions, for Protective Orders, Ohio Administrative Code and Commission rules of practice and procedure, respectfully petitions the Public Utilities Commission of Ohio ("Commission") for an order to protect the Company's proprietary Financial Statements included in Consumer Telcom's *Telecommunications Supplemental Application Form for Carrier Certification* at Exhibit D from disclosure. In support of its Motion, Consumer Telcom states as follows:

1. Consumer Telcom's income statement and balance sheet, collectively ("Financial Statements") constitute financial data not commonly known by or available to the public. Consumer Telcom has used its best efforts to keep and maintain such information confidential. To the best of Consumer Telcom's knowledge, current financial information has not been disclosed or released to the public;

2. The Financial Statements derive economic value from not being generally known to and not being readily ascertainable by proper means by other persons, who can obtain economic value from their disclosure and use. Specifically, the information contained therein is extremely sensitive information that could be used by competitors to determine revenue and other information damaging to Consumer Telcom in the

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marketplace. Disclosure of such information would be extremely detrimental and could be used by Consumer Telcom's competitors to materially affect Consumer Telcom's ability to compete effectively; and

3. Due to the sensitive nature of this information, it is appropriate for the Commission to limit access to it. The financial statements should solely be used by the Commission in exercising its governmental functions in considering Consumer Telcom's Application for operating authority. There is no legitimate purpose or public interest to be served in disclosing the financial statements to Consumer Telcom's competitors or, indeed, to any person other than the appropriate staff of the Commission.

4. The undersigned is duly licensed to practice law in the State of California, is authorized to make the instant Motion, pursuant to the Commission's rules of Practice and Procedure.

For the foregoing reasons, Consumer Telcom Services, Inc. respectfully requests that the Commission grant a Protective Order allowing its financial statements to be treated as confidential.

Respectfully submitted this ¹¹/₁₂ day of April, 2009.

Consumer Telcom, Inc.

By: 

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