

**STATE OF OHIO  
PUBLIC UTILITIES COMMISSION**

Conversent Communications Resale L.L.C. d/b/a One  
Communications Application to  
Provide Competitive Local and Interexchange Services  
Throughout the State of Ohio

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**Case No. 09-699-TP-ACE**

**August 7, 2009**

**MOTION FOR PROTECTIVE ORDER CONCERNING  
CONVERSENT COMMUNICATION RESALE L.L.C. D/B/A ONE  
COMMUNICATION'S PROVISION OF CONFIDENTIAL  
AND PROPRIETARY INFORMATION**

Conversent Communications Resale L.L.C. d/b/a One Communications ("CONV – ONE"), moves herein that the Commission issue the attached Protective Order, so that certain confidential information (the "Information") provided to the Commission in the above-referenced proceeding, provided hereto and listed as Exhibits J, K and N (the "Confidential Exhibits") be maintained under protective seal, subject to review by the Commission's personnel, and subject to appropriate safeguards as spelled out in the proposed Protective Order.

Specifically, CONV – ONE seeks a Protective Order concerning confidential and proprietary Information contained in its' Application to provide competitive local exchange services throughout the State of Ohio. The Confidential Exhibits of the application are audited financial statements of Applicant's ultimate parent company One Communications Corp. ("OCC") for 2007 and 2008 (Exhibits J/K) and an OCC Organizational Chart (Exhibit N). The confidential information is not provided in the public copy provided herein, and an attachment place holder page has been put in place to acknowledge the information. Said information is provided to the Commission under separate cover marked confidential and proprietary and filed under seal.

The information should not be publicly disclosed because it is not publicly available. Further, it concerns sensitive financial and operational information, the disclosure of which would be commercially harmful. Because of the sensitivity of this information, the Company proposes that the Commission approve the attached proposed Protective Order.

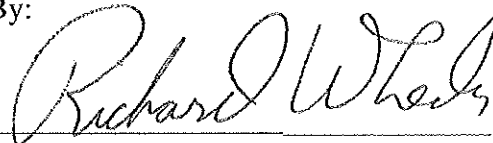
Attached hereto as Exhibit # 1 is an affidavit from James P. Prenetta, Jr., Applicant's Executive Vice-President General Counsel & Secretary, containing more specific details of the proprietary nature of the Confidential Information. Attached as Exhibit # 2 is a Proposed Protective Order.

CTC – ONE respectfully requests that the Commission grant its Motion for Protective Order and issue the Proposed Protective Order for the reasons stated herein.

Respectfully Submitted,

**Conversent Communications Resale L.L.C.  
d/b/a One Communications**

By:

A handwritten signature in black ink, appearing to read "Richard Wheeler", is written over a horizontal line.

Richard Wheeler, Esq.

Conversent Communications Resale L.L.C.

d/b/a One Communications

5 Wall Street

Burlington, MA 01803-4771

TELE: 781.362.5707

FAX: 781.362.1307

EMAIL: [RWheeler@OneCommunications.com](mailto:RWheeler@OneCommunications.com)

**STATE OF OHIO  
PUBLIC UTILITIES COMMISSION**

Conversent Communications Resale L.L.C. d/b/a  
One Communications Application to Provide  
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**Case No. 09-699-TP-ACE**

**August 7, 2009**

**AFFIDAVIT OF JAMES P. PRENETTA, JR**

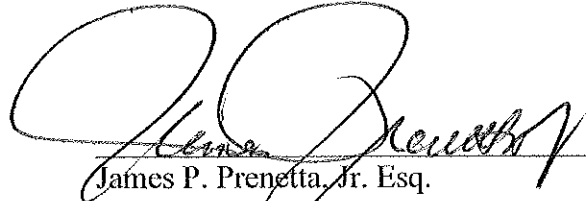
I, James P. Prenetta, Jr. .being duly sworn, depose and state as follows:

1. My name is James P. Prenetta, Jr., Esq. My business address is 5 Wall Street, Burlington, MA 01803. I am Executive Vice-President, General Counsel and Secretary for One Communications Corp, ultimate parent company of Applicant. I am familiar with the Application of Conversent Communications Resale L.L.C. d/b/a One Communications' (CONV-ONE) to provide competitive local exchange services in the State of Ohio.

2. I hereby state that the information contained and referenced in Exhibits J, K and N (the "Confidential Exhibits") of CONV-ONE's Application for a CPCN is confidential and proprietary, and that disclosure of that information would require the Company to reveal sensitive operational, financial and marketing information which is not publicly available, disclosure of which would be commercially harmful to the Company. The Company has used its best effort to keep and maintain such information secret. To the best of my knowledge, such information has not been disclosed or released to the public.

3. This concludes my affidavit.

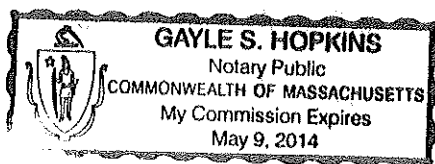
I swear that the foregoing is true and correct to the best of my knowledge and belief.

  
James P. Prenetta, Jr. Esq.

8/7/09  
Date

Commonwealth of Massachusetts )  
County of Middlesex ) ss: \_\_\_\_\_

Personally appeared James P. Prenetta, Jr. known to me, and made oath to the truth of the matters contained in the foregoing Affidavit before me.



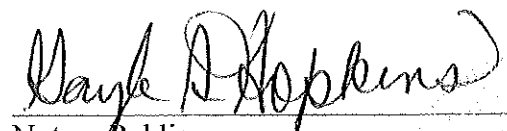
  
Notary Public  
My Commission Expires: 5-9-2014

Exhibit A2

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**PROTECTIVE ORDER**

**It is ordered that:**

1. The audited financial statements of One Communications Corp. for years 2007 and 2007 contained in Exhibit J and K, and the Organizational Chart contained in Exhibit N in the Application to Provide Competitive Local Exchange Services Throughout the State of Ohio (and marked in a separate envelope marked Under Seal, Proprietary and Confidential) shall be "Designated Confidential Information" for purposes of this Order. Until such time as this Order is modified, access to such Designated Confidential Information shall be limited to the persons identified in Paragraph 4 below. In submitting any information to the Commission, the local exchange carrier (LEC) shall identify any confidential information as Designated Confidential Information and mark it as "Confidential." Any such information which is so identified shall be treated as Designated Confidential Information, unless otherwise ordered.

2. That all Designated Confidential Information shall, unless removed from the coverage of the Order as provided in paragraph 3 below, be and remain confidential. Such Designated Confidential Information shall neither be used nor disclosed for any purpose other than the purposes of review and inspection by the persons identified in Paragraph 4, below, and then solely in accordance with this Order. No person to whom access to Designated Confidential Information is accorded pursuant to Paragraph 4 of this Order shall disclose or reveal, directly or indirectly, the content of the Designated Confidential Information to others except as provided in Paragraph 4.

3. A person may challenge designation of such documents or other information as confidential by motion to the Commission and upon reasonable prior notice to the local exchange carrier and an opportunity for hearing. In considering such motion, the usual burdens of proof and production shall apply and no additional presumption shall be given as a result of the prior designation of material as Confidential Information. Upon the entry to an order granting such a motion, the provisions and restrictions of this Order shall cease to bind any party or other person with respect to such documents or information as the Order granting the motion shall expressly and clearly remove from the coverage of this Order.

4. That, unless the Order is modified, access to Designated Confidential Information shall be limited to the Commission's members and Staff and Applicant. For purposes of this Order, Staff shall include all employees of the Commission, and specifically employees of the Division of Communications, the Division of Economics and Finance, and the Office of General Counsel.

5. That no copies of Designated Confidential Information shall be circulated to persons other than those persons who are authorized under Paragraph 4 of this Order to obtain Designated Confidential Information. Persons authorized under Paragraph 4 may take such notes with regard to the Designated Confidential Information as may be necessary. Such notes shall also be treated as Designated Confidential Information.

6. That the restrictions upon, and obligations accruing to, persons who become subject to this Order shall not apply to any Designated Confidential Information, if the Commission rules, after reasonable notice and hearing, that such Designated Confidential Information was publicly known at the time it was furnished or has since become publicly known through no fault of the receiving party.

7. That any Designated Confidential Information shall remain in the possession of the Commission, under seal, and subject to the protective requirements of this Order, unless the Commission or its authorized presiding officer shall otherwise order. The Designated Confidential Information shall be maintained by the Commission under seal and segregated from the public files of the Commission, including segregation from the Annual Reports of Telephone Companies.

8. That the Commission may draw upon all Designated Confidential Information in performance of its duties, but the Commission will avoid public disclosure of any Designated Confidential Information.

9. That this Order may be modified on motion of any person or on the Commission's own motion upon reasonable prior notice and an opportunity for hearing.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2009.

BY ORDER OF THE COMMISSION

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**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**8/7/2009 3:44:37 PM**

**in**

**Case No(s). 09-0699-TP-ACE**

Summary: Motion Motion for Protective Order Concerning Conversent Communications Resale L.L.C. dba One Communication's Provision of Confidential and Proprietary Information, Affidavit in Support of Motion and Proposed Protective Order electronically filed by Mr. Richard H Wheeler on behalf of Conversent Communications Resale L.L.C. dba One Communications