

FILE

ORIGINAL

RECEIVED-DOCKETING DIV
2009 NOV 16 AM 11:12
PUCO

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
IntelPeer, Inc. to Provide Facilities-Based and)
Resold Local and Interexchange)
Telecommunications Services in the State of Ohio)

Case No. 09-1805-TP-ACE

MOTION FOR PROTECTIVE ORDER

IntelPeer, Inc. ("IntelPeer" or "Company"), by its attorneys and pursuant to OAC 4901-1-24(D), moves for a protective order to prevent public disclosure of the confidential and proprietary financial information included as Exhibit D-2 in IntelPeer's *Telecommunications Supplemental Application Form for Carrier Certification*. In support of this Motion, NexUSTel states as follows:

1. IntelPeer is applying for authorization to provide local and interexchange telecommunications services in the State of Ohio. As part of that Application, IntelPeer provides its most recent financial statements as Exhibit D-2 (the "Confidential Exhibit").

2. IntelPeer is a privately held company and is not required to file financial information with the United States Securities and Exchange Commission and does not otherwise disclose its financial information to the public.

3. IntelPeer uses its best efforts to keep and maintain the confidentiality of the Confidential Exhibit. To the best of the Company's knowledge, the Confidential Exhibit has not been disclosed or released to the public.

4. The Confidential Exhibit derives economic value from not being generally known to and not being readily ascertainable by proper means by other person who can obtain economic value from their disclosure and use. Specifically, the information contained therein is extremely sensitive financial information that could be used by competitors to determine revenue and other

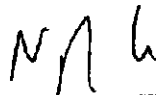
This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician lmm Date Processed 11/16/09

information damaging to the Company. Disclosure of such information would be extremely detrimental and could be used by the Company's competitors to materially affect the Company's ability to compete effectively.

5. Due to the sensitive nature of the Confidential Exhibit, it is appropriate for the Commission to limit access to it. The Confidential Exhibit should solely be used by the Commission in exercising its governmental functions in considering IntelPeer's Application. There is no legitimate purpose or public interest to be served in disclosing the Confidential Exhibit to the Company's current or future competitors or to any person other than the appropriate staff of the Commission.

WHEREFORE, IntelPeer, Inc. respectfully requests that the Commission grant a Protective Order allowing Exhibit D-2 of the Application to be treated as confidential.

Respectfully submitted,



Ronald W. Del Sesto, Jr.
Nguyen T. Vu
Bingham McCutchen LLP
2020 K Street, NW
Washington, DC 20006
(202) 373-6254 (Tel)
(202) 373-6001 (Fax)
nguyen.vu@bingham.com

Counsel for IntelPeer, Inc.

Dated: November 13, 2009