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Before the  
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of )  
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Petition of TracFone Wireless, Inc. )  
for Designation as an Eligible Telecommunications )  
Carrier in the State of Ohio for the Limited Purpose )  
of Offering Lifeline Service to Qualified Households )  
\_\_\_\_\_ )

Case No. 97-0632-TP-COI

**MOTION FOR PROTECTIVE ORDER**

TracFone Wireless, Inc. ("TracFone"), by its counsel and pursuant to Chapter 4901-1-24 of the Ohio Administrative Code, hereby files this Motion for Protective Order ("Motion") in the above-captioned proceeding. By this Motion, TracFone seeks confidential treatment by the Public Utilities Commission of Ohio ("Commission"), pursuant to a Protective Order, of certain confidential, competitively sensitive, and proprietary information contained in the Revised Compliance Plan, filed November 23, 2009. A redacted version of the Revised Compliance Plan was filed. In support of this Motion, TracFone states the following:

TracFone is filing a Revised Compliance Plan in accordance with the Commission's Supplemental Finding and Order ("Order"), dated May 21, 2009, as modified by the Entry on Rehearing, dated July 8, 2009. TracFone previously filed a Compliance Plan dated May 21, 2009 and a letter dated September 21, 2009 that responded to Commission Staff's inquiries regarding the Compliance Plan. This Revised Compliance Plan updates and replaces the Compliance Plan, incorporates the information provided by TracFone in its September 21, 2009 letter, and addresses issues raised by Commission Staff. The Order granted TracFone's petition for designation as an Eligible Telecommunications Carrier ("ETC") for the limited purpose of receiving support from the federal Universal Service Fund to offer Lifeline service to low

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income Ohio households. One of the conditions in the Order was that TracFone file a Compliance Plan in accordance with Finding 7. In the Entry on Rehearing, the Commission clarified a series of customer eligibility certification and verification requirements. Pursuant to the Order, as modified by the Entry on Rehearing, TracFone's Compliance Plan must include details regarding certification and verification requirements.

TracFone's Revised Compliance Plan attaches several documents. Attachment 2 describes the procedures that TracFone uses to contact its Lifeline customers regarding the requirement to self-certify annually that they are the heads of household and only receive Lifeline-supported service from TracFone. Attachment 2 also includes the contents of the communications TracFone sends to customers and discloses the timing of those communications. Attachment 3 describes the timing and type of communications TracFone sends to its Lifeline customers regarding the annual self-certification. Attachment 4 is the script that TracFone's customer service representatives use when a customer contacts TracFone to complete the required self-certification of head of household/only receiving Lifeline-supported service from TracFone.

These documents (Attachments 2, 3, and 4), which include TracFone's internal policies and procedures for complying with its Lifeline certification and verification obligations, are considered by TracFone to be highly confidential and commercially sensitive information. TracFone is not subject to any legal obligation to disclose this information to any public entity nor has TracFone made any voluntary disclosures of this information. As such, the documents attached to the Revised Compliance Plan are not readily available to persons external to TracFone. Information about how TracFone operates and complies with its legal obligations is

confidential and competitively-sensitive information from which its competitors may derive economic value. Therefore, TracFone seeks to protect such material from public disclosure.

### CONCLUSION

The information attached to TracFone's Revised Compliance Plan, for which confidential treatment pursuant to a Protective Order is sought (Attachments 2, 3, and 4), is both proprietary and competitively-sensitive. The substantial and direct harm that could be caused to TracFone as a result of any disclosure is real and not speculative. Moreover, to date, no other jurisdiction or governmental agency has required TracFone to make this information available to the public. For all of these reasons, Attachments 2, 3, and 4 should be protected from public disclosure by a Protective Order of the Commission.

WHEREFORE, TracFone respectfully requests that the Commission grant this Motion for Protective Order with respect to the confidential, proprietary, and commercially-sensitive information attached to its Revised Compliance Plan and filed under seal in this proceeding.

Respectfully submitted,




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*Counsel for TracFone Wireless, Inc.*

November 20, 2009

**CERTIFICATE OF SERVICE**

I, Raymond Lee, a Legal Secretary with the law firm of Greenberg Traurig, LLP, hereby certify that a copy of the foregoing TracFone Wireless, Inc.'s Motion for Protective Order was served electronically to the persons listed below, on this 20<sup>th</sup> day of November, 2009.

  
Raymond Lee

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