

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The )  
Ohio Bell Telephone Company dba AT&T )  
Ohio for Approval of an Alternative Form )  
of Regulation of Basic Local Exchange and )  
Other Tier 1 Services Pursuant to Chapter )  
4901:1-4, Ohio Administrative Code. )

Case No. 07-1312-TP-BLS

ENTRY

The attorney examiner finds:

- (1) In accordance with the attorney examiner Entry of January 17, 2008, AT&T Ohio's motion for a protective order was granted regarding proprietary information that was filed as part of AT&T Ohio's application in this proceeding.
- (2) In accordance with the Commission's Opinion and Order of May 14, 2008, the office of the Ohio Consumers' Counsel's (OCC) motion for a protective order was granted relative to information obtained from AT&T Ohio that OCC incorporated into one of its pleadings in this case.
- (3) Pursuant to its motion of September 22, 2009, as amended on April 2, 2010, AT&T Ohio seeks an extension of the protective order for an unspecified period of time. In support of its request, AT&T Ohio explains that the relevant information consists of competitive local exchange carrier (CLEC) line counts and the counts of other CLEC and wireless carrier presence indicators. AT&T Ohio submits that, while the information is no longer the most current information on the presence of CLEC and wireless providers and CLEC market share in the AT&T Ohio exchanges, the information is not considered by those entities to be transitory. Further, AT&T Ohio explains that, consistent with the terms of its interconnection agreements with CLECs and wireless carriers, it is required to continue to safeguard the confidential information in its possession.

AT&T Ohio asserts that the designated information must be continued to be protected due to the fact that it constitutes a trade secret pursuant to Section 1333.61(D), Revised Code. AT&T Ohio contends that protection of trade secret information from public disclosure is consistent with the purposes of Title 49, Revised Code,

information and, as in this case, the parties may have access under an appropriate protective agreement.

- (4) On September 24, 2009, and September 25, 2009, AT&T Ohio filed letters from the some of the telephone companies whose data is the subject of the protective orders for which an extension is being sought. Specifically, letters were filed by Sage Telecom Inc., Cellco Partnership dba Verizon Wireless, and Verizon Business Services. The letters reflect the individual companies' desire to continue to maintain the confidential status of their company-specific data inasmuch as it continues to be a trade secret.
- (5) Based on the arguments presented, the Commission determines that the previously issued protective orders should be extended due to the continued proprietary nature of the relevant information. However, in reaching this decision, the Commission finds that the protective orders should be extended for a period of 18 months from the date of their scheduled expiration, rather than the requested indefinite time frame.

In support of this determination, the Commission references the fact that orders prohibiting public disclosure of documents automatically expire 18 months from the date of issuance. Although a party may, pursuant to Rule 4901-1-24, Ohio Administrative Code, seek an extension of a protective order, the requesting entity must demonstrate the need for the specific time frame requested. While AT&T Ohio has failed to specify a specific time frame and, instead, simply states that the obligation to extend the confidential treatment of the information is not time-limited the Commission concludes that, consistent with its rules, the maximum extension of the protective order shall be limited to an additional 18 months coincident with the demonstration that the protected status continues to be required. After this period of time, AT&T Ohio should request that the applicable CLECs and commercial mobile radio service providers perform an evaluation in order to determine whether their company-specific data continues to require protective treatment.

It is, therefore,

ORDERED, That the protective orders of January 17, 2008, and May 14, 2008, shall be extended in accordance with Finding (5). It is, further,

ORDERED, That a copy of this entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

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/dah

*Jay S. Agranoff*  
By: Jay S. Agranoff  
Attorney Examiner

Entered in the Journal

APR 05 2010

*Renee J. Jenkins*

Renee J. Jenkins  
Secretary