

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's)
Investigation into Continuation of the) Case No. 08-439-TP-COI
Ohio Telecommunications Relay Service.)

ENTRY

The attorney examiner finds:

- (1) The Commission opened this docket for the purpose of selecting, through a competitive bidding process, the vendor who would be authorized to continue Ohio's intrastate telecommunications relay service (TRS) during the contract period that commenced on July 1, 2009. Formal bid proposals were submitted by two entities, one of which was Hamilton Telephone Company dba Hamilton Telecommunications (Hamilton).
- (2) On February 2, 2009, Hamilton filed a motion seeking to protect the confidentiality of, among other things, Attachments C, D, E, I, L, and M of its submitted bid proposal. That motion was granted by an attorney examiner's entry dated February 12, 2009. In granting Hamilton's motion, the attorney examiner found both that the information set out in the named attachments constitutes a trade secret under Section 1333.61(D), Revised Code, and also, that nondisclosure of that information is not inconsistent with purposes of Title 49 of the Revised Code. The February 12, 2009, entry specified that the protective order being granted with respect to the named attachments would expire on a date 18 months from the date of the entry [i.e., August 12, 2010], unless it was renewed pursuant to the procedure for doing so established under the Commission's rules, or unless otherwise ordered by the Commission.
- (3) On June 7, 2010, Hamilton filed a motion to extend, for an additional 18-month period, the protective order granted by the February 12, 2009, entry, as pertains to Attachments C, D, E, I, L, and M of Hamilton's bid proposal in this case. In support of its motion to extend the protective order, Hamilton asserts that the

information in question continues, today, to qualify as a trade secret, and that a current need for keeping it protected from public disclosure continues for all of the same reasons that were applicable when the protective order was initially granted.

- (4) Upon review, the attorney examiner finds that Hamilton's June 7, 2010, motion to extend the protective order complies with, and has been properly filed pursuant to the Commission's rule on the subject, namely, Rule 4901-1-24(F), Ohio Administrative Code (O.A.C.). Among other things, Rule 4901-1-24(F), O.A.C., requires that any motion to extend an existing protective order beyond 18 months must be filed at least 45 days in advance of the expiration date of the existing protective order. In this case, Hamilton complied with this deadline by filing its motion for extension prior to June 28, 2010. Hamilton has also complied with the additional requirement under Rule 4901-1-24(F), O.A.C., that a motion for extension of a protective order must include a detailed discussion of the need for the information in question to remain under continued protection from public disclosure. The attorney examiner finds the information set out in the named attachments continues, today, to constitute a trade secret under Section 1333.61(D), Revised Code. The attorney examiner further finds that continued nondisclosure of the information for an additional 18-month period is not inconsistent with purposes of Title 49 of the Revised Code. In sum, the attorney examiner finds that, in all respects, Hamilton's June 7, 2010, motion to extend the protective order is well made and should be granted. Thus, the protective order, initially granted with respect to the involved attachments on February 12, 2009, will be extended for an additional 18-month period and, as such will, unless renewed again pursuant to Commission rule, or unless the Commission orders otherwise, expire 18 months from the date of this entry.

It is, therefore,

ORDERED, That, in accordance with the above findings, Hamilton's June 7, 2010, motion to extend, for an additional 18-month period, the protective order granted by the February 12, 2009 entry, as pertains to Attachments C, D, E, I, L, and M of Hamilton's bid proposal in this case, be granted. As extended, the protective order pertaining to these attachments, will, unless again renewed pursuant to Commission rule, or unless the Commission orders otherwise, expire on a date 18 months from the date of this entry. It is, further,

ORDERED, That a copy of this entry be served upon Hamilton and all other interested persons of record in this matter.

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Daniel E. Fullin
Attorney Examiner

get
/dah

Entered in the Journal

JUN 21 2010



Renee J. Jenkins
Secretary