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September 24, 2010

Via Federal Express

Reneé J. Jenkins
Secretary
Public Utilities Commission of Ohio
Docketing Division
180 East Broad Street
Columbus, Ohio 43215-3793

Re: **Mobilitie, LLC Application for a Certificate to Provide Competitive Telecommunications Service (Case No. 10-1425-CT-ACE)**

Dear Ms. Jenkins:

Attached please find an original plus eight (8) copies of Mobilitie, LLC's ("Mobilitie") Application for a Certificate to provide competitive telecommunications services within the State of Ohio ("Application") (reserved Case No. 10-1425-CT-3793). The company has no customers at this time in Ohio, and this is a new filing. Also please find the attached Motion for Protective Order ("Motion") requesting confidential treatment of Mobilitie's financial statements, which are included in **Exhibit E** of the Application and are included here under separate seal.

Please acknowledge receipt of this Application and Motion by date-stamping the extra copy of the filing marked stamp and return and returning it using the postage pre-paid envelope provided for this purpose. Please contact me if you have any questions. Thank you for your assistance.

Sincerely,



Robert Morgan
Counsel for Mobilitie, LLC

Attachments

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ORIGINAL

THE PUBLIC UTILITIES COMMISSION
OF OHIO

In the Matter of)

Application of **Mobilitie, LLC** to Provide)
Competitive Telecommunications Services)
Throughout the State of Ohio)

Case No. 10-1425-CT-ACE

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MOTION FOR A PROTECTIVE ORDER

Mobilitie, LLC ("Mobilitie"), by its attorneys and pursuant to Rule 4901-1-24(D) of the Ohio Administrative Code, moves for a protective order to preserve the confidentiality of its financial information to be submitted in support of its Telecommunications Supplemental Application Form ("Application"). The financial information is protected trade-secret information. Mobilitie protects this information from public disclosure, and the release of this information would give unfair advantage to Mobilitie's competitors.

Rule 4901-1-24(D) provides that the Public Utilities Commission of Ohio ("Commission") may issue an order which is necessary to protect the confidentiality of information contained in documents filed with the Commission's Docketing Division to the extent that state and federal law prohibits the release of the information, and where the non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code.

The Ohio General Assembly has granted to all business, including public utilities, protection of secrets through the Uniform Trade Secrets Act and the Commission has recognized its statutory obligation to protect trade secret information. Ohio Rev. Code §§ 1333.61-1333.69; *see In re General Tele. Co.*, Case No. 81-383-TP-AIR (Feb. 17, 1982). The non-disclosure of the financial information submitted in support Mobilitie's Application will not impair the purposes of Title 49. The Commission and its Staff will have full access to the information in

order to fulfill its statutory obligation. Additionally, no purpose of Title 49 will be served by the public disclosure of the information.

The Commission has carried out its obligation in this regard by granting a protective order where a company seeking such order can show that “(a) it is privately held, or is a company that, as a wholly owned subsidiary of a publicly traded company, does not routinely report its financial status, and (b) the information for which protective status is sought represents contemporaneous or projected details about the operations and/or finances of the company that are competitively sensitive and have never previously been made available to the general public or filed with any other public agency.” *In re Buckland Tele. Co.*, Case No. 06-884-TP-UNC *et al.*, 2006 Ohio PUC Lexis 709, *4-5 (2006).

Here, Mobilitie is a privately-held company, and as such, its financial statements and projections are not publicly available. Mobilitie considers these statements to be proprietary and confidential, and has taken appropriate measures to withhold the information from public disclosure in other jurisdictions. *See* Affidavit of Vince O’Neill, included in Exhibit E of the Application. If the enclosed financial information were to be made available to the general public, competitors could readily ascertain or infer Mobilitie’s economic condition and prospective marketing strategies. Therefore, disclosure of Mobilitie’s financial documents would cause it to suffer an unfair business disadvantage and cause irreparable harm to Mobilitie’s business operations. By seeking the protective order requested herein, Mobilitie seeks to preserve the confidential nature of this information.

Moreover, the Commission may be guided by the fact that maintaining the confidentiality of Mobilitie’s financial statements will in no way prejudice Mobilitie’s competitors. The Commission will have the information necessary for it to make an informed decision about

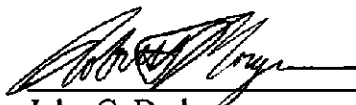
granting Mobilitie's application to provide telecommunications services in Ohio. The Commission will, therefore, be able to ensure that Mobilitie complies with the Commission's certification requirements without affording Mobilitie with any regulatory advantage over its competitors.

Upon the issuance of an order protecting Mobilitie's confidential information from public disclosure in accordance with Rule 4901-1-24(D), Mobilitie will submit to the Commission its financial documents as proof of its financial stability and ability to engage in the provision of telecommunications service in Ohio.

WHEREFORE, Mobilitie respectfully requests that the Commission enter an order protecting from public disclosure Mobilitie's financial statements submitted in support of its Application to Provide Competitive telecommunications Services Throughout the State of Ohio.

Respectfully submitted,

Mobilitie, LLC



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Dated: September 24, 2010