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March 17, 2011

Via Federal Express

Renee Jenkins, Secretary of the Commission
Attn: Docketing Division
Public Utility Commission of Ohio
180 East Broad Street
Columbus, OH 43215-3793

Re: In the Matter of the Commission's Investigation into Intrastate Carrier Access
Reform Pursuant to S.B. 162; Case No. 10-2387-TP-COI

Dear Secretary Jenkins:

Enclosed for filing on behalf of the Small Local Exchange Carriers ("SLECs") in the above-captioned docket please find the original and three (3) copies of a Motion for Protective Order and Memorandum in Support pursuant to the Commission's regulations at 4901-1-24(D) of the Ohio Administrative Code. As set forth more fully in the enclosed documents, this Motion is filed with respect to a limited amount of information required to be provided by the SLECs in response to the Commission's November 3, 2010 Entry at the above captioned matter.

In accordance with the Commission's regulations, three (3) unredacted copies of the confidential information is also enclosed for filing under seal with each page on which confidential information is provided clearly and conspicuously marked as confidential.

Redacted public versions of complete responses to all the Commission's required data will be electronically filed on March 18, 2011. Should you have any questions, please do not hesitate to contact me.

Sincerely,

THOMAS, LONG, NIESEN & KENNARD

By


Norman J. Kennard

NJK:tlt
Enclosure

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's :
Investigation into Intrastate Carrier Access : Case No. 10-2387-TP-COI
Reform Pursuant to S.B. 162 :

**MOTION FOR PROTECTIVE ORDER OF THE
SMALL LOCAL EXCHANGE CARRIERS**

The Small Local Exchange Carriers ("SLECs"),¹ pursuant to the regulations of the Public Utilities Commission of Ohio ("PUCO" or "Commission") at Ohio Adm. Code §4901-1-24(D) and the Commission's Entry in the above matter dated February 23, 2011 at Paragraph 6, file this Motion for Protective Order to preserve the confidential and proprietary nature of certain of the information to be filed in this investigation. The basis for this motion is set forth in the accompanying memorandum in support. The SLECs submit that the non-disclosure of this confidential and proprietary information is not inconsistent with the purposes of Title 49, Ohio Revised Code.

¹ SLECs requesting confidential protection of filed data are those identified in footnote 1 of the SLEC Comments filed December 20, 2010, namely: Arcadia Telephone Company, Arthur Mutual Telephone Company, Ayersville Telephone Company, Bascom Mutual Telephone Company, Benton Ridge Telephone Company, Buckland Telephone Company, Champaign Telephone Company, Chillicothe Telephone, Columbus Grove Telephone Company, Conneaut Telephone Company, Continental Telephone Company, Doylestown Telephone Company, Farmers Mutual Telephone Company, Fort Jennings Telephone Company, Germantown Independent Telephone Company, Glandorf Telephone Company, Kalida Telephone Company, Inc., Little Miami Communications Corporation, McClure Telephone Company, Middle Point Home Telephone Company, Minford Telephone Company, New Knoxville Telephone Company, Nova Telephone Company, Oakwood Telephone Company, Orwell Telephone Company, Ottoville Mutual Telephone Company, Pattersonville Telephone Company, Ridgeville Telephone Company, Sherwood Mutual Telephone Association, Sycamore Telephone Company, Telephone Service Company, Vanlue Telephone Company, Vaughnsville Company, and Wabash Mutual Telephone Company.

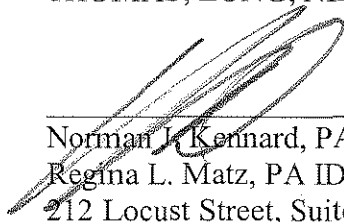
In conformance with Rule 4901-1-24(D) of the Ohio Administrative Code, each Small Local Exchange Carrier has or will file only such information redacted as is essential to prevent disclosure of confidential and proprietary information and has or will file three (3) unredacted copies of the documents for which confidential protection is sought under seal.

The SLECs recognize that pursuant to PUCO regulation 4901-1-24(F), unless otherwise ordered, any order prohibiting disclosure of the information for which confidential treatment was sought or granted essentially will automatically expire after 18 months. While the actual figures provided by the SLECs may change due to the passage of time, the SLECs submit, as set forth more fully in the accompanying memorandum, that the sensitive nature of the information will not. Accordingly, in this Motion, the SLECs also request that the Commission or its authorized representative not only grant a protective order as requested herein, but also provide that such order shall remain in effect and the information not automatically become public.

For the reasons stated more fully in the accompanying memorandum, the SLECs request that their Motion for Protective Order as described herein be granted.

Respectfully submitted,

THOMAS, LONG, NIESEN & KENNARD



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Dated: March 17, 2011

Attorneys for the
Small Local Exchange Carriers

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's :
Investigation into Intrastate Carrier Access : Case No. 10-2387-TP-COI
Reform Pursuant to S.B. 162 :

**MEMORANDUM IN SUPPORT OF
SMALL LOCAL EXCHANGE CARRIERS'
MOTION FOR PROTECTIVE ORDER**

By Entry dated November 3, 2010 ("November 3 Entry"), the Public Utilities Commission of Ohio ("PUCO" or "Commission") commenced an investigation into intrastate carrier access charges pursuant to Substitute Senate Bill 162 ("Sub. S.B. 162"), which authorized the PUCO to create and administer mechanisms to accomplish intrastate carrier access reform. In Appendix C to the November 3 Entry, the Commission set forth six requests for information to which the eligible ILECs, including the SLECs, are required to file data. The Commission also set forth four requests for information in Appendix D to which contributing carriers, including the SLECs, are required to file data. In a subsequent Entry dated February 23, 2011 ("February 23 Entry"), the Commission included an Attachment that set forth an additional eight requests for data from all incumbent local exchange carriers (ILECs), including the SLECs. By Entry dated December 8, 2010 ("December 8 Entry"), the Commission held that affected carriers were to "supply us with the required data" and that once the data was filed, the Commission would "entertain motions seeking discovery, a request for a technical workshop, and a hearing."¹ The Commission also noted in the February 23 Entry that "an ILEC may file a motion seeking a

¹ December 8 Entry at Paragraph 12.

protective order relative to the filed information pursuant to Rule 4901-1-24, Ohio Administrative Code.”

Appendix C requires the SLECs to file with the PUCO the following information:

1. The total intrastate switched access revenues from all recurring switched access rate elements billed, including switched dedicated elements that are priced on a flat rate basis;
2. The rate elements that contributed to the calculation of item 1;
3. The intrastate and interstate rate associated with each rate element identified in 2;
4. The intrastate billed demand for each rate element identified in 2;
5. The interstate and intrastate tariffs supporting the rates identified in 3; and
6. The number of access lines as of December 31, 2009.²

Appendix D requires the SLECs to file with the PUCO the following information:

1. The contributing carrier's 2010 total intrastate retail telecommunications services revenues, including prepaid and revenues from providing telecommunication services to interconnected voice over internet protocol services providers;
2. The contributing carrier's 2010 uncollectible intrastate retail telecommunications revenues;
3. The contributing carrier's 2010 total intrastate retail telecommunications revenues minus uncollectibles. This value should be equal to the value for 1 - 2 above; and,
4. The contributing carriers' total Ohio access lines as of December 31, 2010

The February 23 Entry requires all ILECs to file with the PUCO the following information:

1. The tariffed basic local exchange service (BLES) rate as BLES is defined in Section 4927.01 (A)(I), Revised Code;
2. The tariffed touchtone rate if not included in BLES rate;
3. The average mileage charges, if any, required to receive BLES;
4. The applicable Subscriber Line Charge (SLC);
5. The intrastate access recovery fees (applicable only to Frontier North and United Telephone Company of Ohio dba CenturyLink);
6. If the BLES rates vary by exchange access area/zones/bands, the ILEC shall provide the total number of access lines covered by each rate;
7. Any other Commission ordered surcharges; and
8. The total number of access lines as of December 31, 2009, and December 31, 2010.

² In its February 23, 2011 Entry at Paragraph 5, the Commission revised its Appendix C requirements to include all respective data for both the 2009 and 2010 calendar years.

Of all the information the Commission has required the SLECs to file, the SLECs seek confidential protection for only that data required to be filed pursuant to Appendix C, Nos. 1 and 4, which request total intrastate switched access revenues from all recurring switched access rate elements billed and the intrastate billed demand for each intrastate access rate element billed.

Isolated revenue and demand elements related to a discrete business sector, as opposed to overall aggregated information, are not data that may be found in the public domain. This isolated, discrete, and disaggregated demand and revenue information is proprietary and confidential information that is competitively sensitive and not otherwise subject to public disclosure. Given the competitive environment of today's telecommunications industry, disclosure of such competitively sensitive and confidential information would be harmful to the SLECs, giving their competitors a competitive advantage through disclosure of information not otherwise made publicly available and adversely affecting the SLECs' ability both to conduct business with other carriers and compete against them. As such, this information also qualifies for confidential protection as a trade secret pursuant to Section 1333.61(D) of the Revised Code.

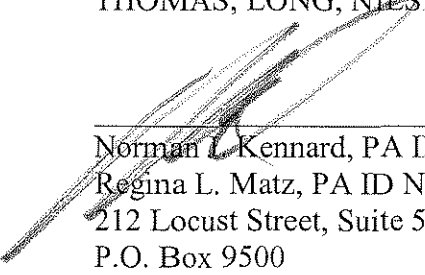
The Commission has previously recognized the sensitive nature of information required to be filed in access restructuring proceedings. In the Commission proceeding at Case No. 97-632-TP-COI, involving the Commission Investigation of the Intrastate Universal Service Discounts, and the proceeding at Case No. 00-127-TP-COI, involving the Commission's Investigation into the Modification of Intrastate Access Charges, the SLECs sought and the Commission granted confidential protection of financially sensitive information.³ Moreover, as stated above, the Commission has already recognized in the pending docket the potential disclosure of competitively sensitive information in its data requests, and invited the filing of a motion for protective order to the extent necessary.

³ See e.g. *In the Matter of the Commission's Investigation Into the Modification of Intrastate Access Charges*, Case No. 00-127-TP-COI, January 11, 2001 Opinion and Order at 2, footnote 3.

The SLECs have narrowly tailored their request to seek confidential protection of only that data that is not available within the public domain and the release of which would be injurious to the companies. Accordingly, the SLECs respectfully request that their Motion for Protective Order applicable to information filed at the Commission in response to Commission data requests be granted. Moreover, as noted in the Motion, the SLECs request that in its Order the Commission provide that Section 4901-1-24(F) of its regulations will not apply and that the protection afforded will not automatically expire after 18 months. While the actual numbers provided in the confidential responses to the data requests may change over time, disclosure reveals not only the actual numbers, but also their relative relation to each other, a factor not derivable from public information and therefore which remains a confidential piece of information that upon disclosure will provide meaningful information to competitors and other interests adversarial to the SLECs. For these reasons, the SLECs request the Commission also provide in a protective order that the confidential protection afforded this limited data will continue.⁴

Respectfully submitted,

THOMAS, LONG, NIESEN & KENNARD



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Dated: March 17, 2011

Attorneys for the
Small Local Exchange Carriers

⁴ *Id.* (“[The SLECs] noted that a similar protective order was sought for similar financial information in September 1999 and the Commission has kept that information confidential since.”)

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

3/18/2011 9:28:42 AM

in

Case No(s). 10-2387-TP-COI

Summary: Motion Motion for Protective Order and Memorandum in Support electronically filed by Ms. Teresa L Thomas on behalf of Small Local Exchange Carriers Group