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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

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

VERIZON'S MOTION FOR PROTECTIVE ORDER

Pursuant to Rule 4901-1-24(D), Ohio Administrative Code ("OAC"), Verizon hereby moves for a protective order to preserve the confidentiality of certain competitively-sensitive information contained in its responses to the data requests set forth in Appendix D of the Commission's November 3, 2010 entry in this docket, which have been submitted herewith. The basis for this motion is set forth in the accompanying memorandum in support. As required by Rule 4901-1-24(D)(2), OAC, three unredacted copies of the responses containing the information for which protection is sought have been filed under seal.

WHEREFORE, Verizon respectfully requests that its motion be granted.

Respectfully submitted,



Barth E. Royer (Counsel of Record)  
Bell & Royer Co., LPA  
33 South Grant Avenue  
Columbus, OH 43215-3927  
Phone: (614) 228-0704  
Fax: (614) 228-0201  
Email: [barthroyer@aol.com](mailto:barthroyer@aol.com)

<sup>1</sup> As used herein, "Verizon" includes MCI metro Access Transmission Services LLC d/b/a Verizon Access Transmission Services, MCI Communications Services, Inc. d/b/a Verizon Business Services and Cellco Partnership and its subsidiaries providing wireless services in the state of Ohio, collectively d/b/a Verizon Wireless.

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David Haga  
Assistant General Counsel  
Verizon  
1320 North Courthouse Road  
Arlington, Virginia 22201  
Phone: (703) 351-3065  
Fax: (703) 351-3655  
Email: [david.haga@verizon.com](mailto:david.haga@verizon.com)

*Attorneys for MCI Metro Access Transmission  
Services LLC d/b/a Verizon Access Transmission  
Services, MCI Communications Services, Inc. d/b/a  
Verizon Business Services, and Cellco Partnership  
and its subsidiaries providing wireless services in  
the state of Ohio, collectively d/b/a Verizon  
Wireless.*

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's Investigation ) into Intrastate Carrier Access Reform Pursuant ) to S.B. 162. )	Case No. 10-2387-TP-COI
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**VERIZON'S MEMORANDUM IN SUPPORT  
OF  
MOTION FOR PROTECTIVE ORDER**

In accordance with the Commission's February 23, 2011 entry, Verizon has, this date, submitted its responses to the data requests contained in Appendix D to the Commission's November 3, 2010 entry initiating this proceeding. Because these responses contain competitively-sensitive information, Verizon has submitted a public, redacted version of the responses, and, by the foregoing motion, seeks a protective order from this Commission to prevent public disclosure of the redacted information.<sup>2</sup> In accordance with Rule 4901-1-24(D)(2), Ohio Administrative Code ("OAC"), Verizon has filed herewith three copies of the confidential, unredacted version of the responses under seal.

Rule 4901-1-24(D), OAC, provides, in pertinent part, as follows:

(D) Upon motion of any party or person filing a document with the commission's docketing division relative to a case before the commission, the commission, the legal director, the deputy legal director, or the attorney examiner assigned to the case may issue any order which is necessary to protect the confidentiality of information contained in the document, to the extent that state or federal law prohibits release of the information, including where the information is deemed by the commission, the legal director, or the attorney examiner assigned to the case to constitute a trade secret under Ohio law, and where non-disclosure of the information is not inconsistent with the purpose of Title 49 of the Revised Code. Any order issued under this paragraph shall minimize the amount of information protected from public disclosure.

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<sup>2</sup> The redactions in public version of the responses are bracketed by double asterisks (\*\* ... \*\*).

Verizon submits that its motion for protection is consistent with the criteria governing the issuance of protective orders set forth in the above rule in that state law prohibits release of the information for which protection is sought and because non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code.

Appendix D of the November 3, 2010 entry requests that “contributing carriers,” as defined in the Access Restructuring Plan proposed by Commission staff,<sup>3</sup> provide their 2010 total intrastate retail telecommunications services revenues (including prepaid revenue and revenue from providing telecommunications services to interconnected VOIP providers), their 2010 uncollectible intrastate retail telecommunications services revenues, the net 2010 revenues derived by deducting the uncollectible revenues from the total revenues, and their total Ohio access lines as of December 31, 2010. Consistent with Rule 4901-1-24(D)(1), OAC, Verizon’s request for protection is limited to the competitively-sensitive revenue and access line information sought through the Appendix D data requests.<sup>4</sup>

Competitively-sensitive information of this type is routinely accorded protected status by the Commission pursuant to Rule 4901-1-24(A)(7), OAC, based on its determination that such information constitutes a “trade secret, or other confidential research, development, (or)

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<sup>3</sup> The staff-proposed Access Restructuring Plan contemplates the creation of a so-called Access Restructuring Fund (“ARF”) to reimburse affected ILECs for revenues lost due to access charge reductions resulting from the S.B. 162 access reform effort. Under the staff plan, the ARF would be funded by other ILECs and by CLECs, IXCs, wireless providers, and, potentially, even VOIP providers. For reasons stated in its earlier comments in this docket, Verizon opposes the creation of the ARF or any similar fund, and also objects to the proposal to include wireless providers among the “contributing carriers” that would be forced to subsidize the affected ILECs. See Verizon Comments filed December 20, 2010, and Verizon Reply Comments filed January 19, 2011.

<sup>4</sup> Rule 4901-1-24(D)(1), OAC, provides, in pertinent part, that “all documents submitted pursuant to paragraph (D) of this rule should be filed with only such information redacted as is essential to prevent disclosure of the allegedly confidential information.”

commercial information under Ohio law.” Indeed, the statutory definition of a “trade secret” set out in Section 1333.61(D), Revised Code, includes “business information” that “derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.” In a competitive environment, the revenues and number of access lines of a competitive provider clearly fall within this definition. Indeed, Rule 4901:1-6-37(A), OAC, which governs the submission of the revenue information necessary for the Commission to calculate the annual assessments for telephone companies and wireless under Section 4905.10, Revised Code, specifically provides that “(t)he Commission shall protect any confidential information in every company and provider report.” Clearly, the revenue information submitted pursuant to Appendix D data requests is entitled to similar protection here, as is the information regarding the number of access lines.

Because the Commission and its staff will have full access to the information for which protection is requested, the Commission’s ability to review this information will in no way be impaired by granting this motion, and no legitimate purpose would be served by public disclosure of the designated information. Further, Verizon has limited the information for which it seeks protection so as to minimize the information that will not be publicly disclosed.

WHEREFORE, Verizon respectfully requests that the information that has been redacted from the public, redacted version of its responses to the Appendix D data requests be granted protected status and that the Commission grant its motion for a protective order.

Respectfully submitted,



Barth E. Royer (Counsel of Record)  
Bell & Royer Co., LPA  
33 South Grant Avenue  
Columbus, OH 43215-3927  
Phone: (614) 228-0704  
Fax: (614) 228-0201  
Email: [barthroyer@aol.com](mailto:barthroyer@aol.com)

David Haga  
Assistant General Counsel  
Verizon  
1320 North Courthouse Road  
Arlington, Virginia 22201  
Phone: (703) 351-3065  
Fax: (703) 351-3655  
Email: [david.haga@verizon.com](mailto:david.haga@verizon.com)

*Attorneys for MCImetro Access Transmission  
Services LLC d/b/a Verizon Access Transmission  
Services, MCI Communications Services, Inc. d/b/a  
Verizon Business Services, and Cellco Partnership  
and its subsidiaries providing wireless services in  
the state of Ohio, collectively d/b/a Verizon  
Wireless.*

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following parties by regular US mail, postage prepaid, and by electronic mail this 18th day of March 2011.

  
Barth E. Royer

Janine L. Migden-Ostrander  
David C. Bergmann  
Terry L. Etter  
Assistant Consumers' Counsel  
Office of the Ohio Consumers' Counsel  
10 W. Broad Street, Suite 1800  
Columbus, OH 43215  
[bergmann@occ.state.oh.us](mailto:bergmann@occ.state.oh.us)  
[etter@occ.state.oh.us](mailto:etter@occ.state.oh.us)

William Wright  
Assistant Attorney General  
Chief, Public Utilities Section  
180 E. Broad Street, 6th Floor  
Columbus, OH 43215  
[bill.wright@puc.state.oh.us](mailto:bill.wright@puc.state.oh.us)

Douglas E. Hart  
441 Vine Street, Suite 4192  
Cincinnati, OH 45202  
[dhart@douglasehart.com](mailto:dhart@douglasehart.com)

Joseph R. Stewart  
CenturyLink  
50 West Broad Street, Suite 3600  
Columbus, OH 43215  
[joseph.r.stewart@centurylink.com](mailto:joseph.r.stewart@centurylink.com)

William A. Adams, Esquire  
Bailey Cavalieri LLC  
10 West Broad Street, Suite 2100  
Columbus, OH 43215-3422  
[william.adams@baileycavalieri.com](mailto:william.adams@baileycavalieri.com)

Mary Ryan Fenlon  
Jon F. Kelly  
AT&T Services, Inc.  
150 East Gay Street, Rm. 4-C  
Columbus, Ohio 43215  
[mf1842@att.com](mailto:mf1842@att.com)

Norman J. Kennard  
Regina L. Matz  
Thomas, Long, Niesen & Kennard  
212 Locust Street, Suite 500  
P.O. Box 9500  
Harrisburg, Pennsylvania 17108-9500  
[rmatz@thomaslonglaw.com](mailto:rmatz@thomaslonglaw.com)