

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 ) Case No. 09-74-TP-BLS  
Service and Other Tier 1 Services Pursuant )  
to Chapter 4901:1-4, Ohio Administrative )  
Code. )

ENTRY

The attorney examiner finds:

- (1) On December 30, 2011, AT&T Ohio (AT&T) moved to extend certain protective orders eighteen months, pursuant to Rule 4901-1-24(D), Ohio Administrative Code. AT&T observes that in an Entry issued February 17, 2009, the Commission granted AT&T's motion to protect proprietary information filed by competitive local exchange carriers (CLECs) and wireless carriers. AT&T relied upon proprietary information from CLECs and wireless carriers in its application and pleadings in this proceeding. AT&T further notes that, in an entry issued on June 15, 2010, the protective order was already extended from August 17, 2010, for an additional 18 months. AT&T calculates that the order issued on June 15, 2010, will expire February 17, 2012.

In support of its motion for a protective order, AT&T contends that the CLEC and wireless carrier information remains proprietary, is competitively sensitive, and merits continued protection as trade secrets. Moreover, AT&T points out that in its interconnection agreements with CLECs and wireless carriers there are provisions that obligate AT&T to maintain confidentiality for an unlimited time. AT&T states that the information that it seeks to protect reveals the presence of CLEC and wireless providers and CLEC market share in AT&T exchanges. The information also includes CLEC line counts and other CLEC and wireless carrier presence indicators in an exchange-specific format.

AT&T acknowledges that the information is no longer the most current. Nevertheless, contends AT&T, CLECs and wireless carriers still regard the information as proprietary and, therefore, trade secret material that meets the criteria for a protective order.

- (2) On January 3, 2012, counsel for Verizon Wireless filed a letter supporting AT&T's motion to extend the protective order. Verizon Wireless asserts that it still regards the information under seal as trade secret material. Verizon Wireless asserts that data it provided to AT&T "was, and remains, competitively sensitive information that has not lost its commercial relevance."
- (3) The motion to extend the protective order is reasonable and should be continued for 18 months from February 17, 2012. Therefore, for 18 months from February 17, 2012, the Docketing Division should maintain under seal all documents and pleadings filed by AT&T that are currently under seal in this proceeding.
- (4) The attorney examiner notes that considerable time has passed since the filing of confidential information in this proceeding. In light of this, if AT&T and Verizon Wireless wish to extend the protective order beyond August 17, 2013, they should explain in greater detail why the information merits greater protection.


It is, therefore,

ORDERED, That the motion seeking to extend the protective order be granted in accordance with Finding (3). It is, further,

ORDERED, That the Docketing Division should maintain under seal for 18 months from February 17, 2012, all documents that AT&T currently has under seal in this proceeding. 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

  
James M. Lynn  
Attorney Examiner

grf  
/dah

Entered in the Journal

**JAN 09 2012**

  
Betty McCauley  
Secretary