

FILE

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

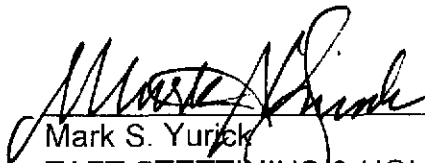
In the Matter of the Commission's :
Investigation into Intrastate Carrier Access : Case No. 10-2387-TP-601
Reform Pursuant to Sub. S.B. 162 :

1
RECEIVED-BOOKETING DIV
2012 FEB 24 PM 2:23
PUCO

MOTION FOR PROTECTIVE ORDER

Armstrong Telecommunications, Inc. ("Armstrong"), by its attorneys and pursuant to Section 4901-1-24(D) of the Commission's rules (O.A.C. § 4901-1-24(D)) move for a protective order keeping confidential the designated confidential and/or proprietary information filed on March 18, 2011. The reasons underlying this motion are detailed in the attached Memorandum in Support. Consistent with the requirements of Section 4901-1-24(D) of the Commission's rules, three unredacted copies of the confidential information which is the subject of this motion have been previously filed under seal.

Respectfully submitted,



Mark S. Yurick (0039176)
TAFT STETTINIUS & HOLLISTER LLP
65 East State Street
Suite 1000
Columbus, OH 43215
(614) 334-7197
(614) 221-2007 (Fax)
myurick@taftlaw.com

Attorneys for Armstrong
Telecommunications, Inc.

This is to certify that the images appearing are an
accurate and complete reproduction of a case file
document delivered in the regular course of business.
Technician SW Date Processed FEB 24 2012

**MEMORANDUM IN SUPPORT OF
MOTION FOR PROTECTIVE ORDER**

Armstrong requests its response to Appendix D attached to the November 3, 2010 Entry in the above-captioned matter be designated as confidential and be protected from public disclosure. The information for which protection is sought includes proprietary information relating to Armstrong's business operations and customers which are properly protected from disclosure. The confidential information consists of information derived from data provided to the Commission Staff in response to data requests included in the November 3, 2010 and February 23, 2011 Entries in this proceeding and filed under seal by Armstrong. Armstrong has asserted that the public release of this information would cause harm to Armstrong and its operations and would compromise its ability to compete with other carriers on an equal basis.

Section 4901-1-24(D) of the Commission's rules provides that the Commission or certain designated employees 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 or federal law prohibits the release of the information and where non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code. As set forth herein, the information described above has been represented as confidential and sensitive business information by Armstrong in submitting the data to the Commission. Therefore, Armstrong requests that this data be protected from disclosure.

While the Commission has often expressed its preference for open proceedings, the Commission also long ago recognized its statutory obligations with regard to trade secrets:

The Commission is of the opinion that the "public records" statute must also be read in pari materia with Section 1333.31, Revised Code ("trade secrets" statute). The latter statute must be interpreted as evincing the recognition, on the part of the General Assembly, of the value of trade secret information.

In re: General Telephone Co., Case No. 81-383-TP-AIR (Entry, February 17, 1982). Likewise, the Commission has facilitated the protection of trade secrets in its rules (O.A.C. § 4901-1-24(A)(7)). Armstrong is requesting a protective order and asserts Armstrong's data includes trade secrets.

The Commission has previously granted protective orders in other telecommunications proceedings. See e.g. Elyria Tel. Co., Case No. 89-965-TP-AEC (Finding and Order, September 21, 1989); Ohio Bell Tel. Co., Case No. 89-718-TP-ATA (Finding and Order, May 31, 1989); Columbia Gas of Ohio, Inc., Case No. 90-17-GA-GCR (Entry, August 17, 1990).

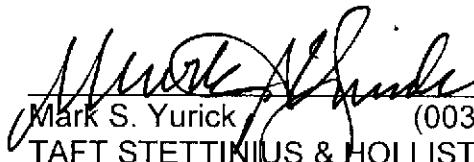
In Pyromatics, Inc. v. Petruziello, 7 Ohio App. 3d 131, 134-135 (Cuyahoga County 1983), the Court of Appeals, citing Koch Engineering Co. v. Faulconer, 210 U.S.P.Q. 854, 861 (Kansas 1980), delineated factors to be considered in recognizing a trade secret:

(1) The extent to which the information is known outside the business, (2) the extent to which it is known to those inside the business, i.e., by the employees, (3) the precautions taken by the holder of the trade secret to guard the secrecy of the information, (4) the savings effected and the value to the holder in having the information as against competitors, (5) the amount of effort or money expended in obtaining and developing the information, and (6) the amount of time and expense it would take for others to acquire and duplicate the information.

Armstrong has treated its data within these confines. Importantly, Armstrong has taken all commercially reasonable measures to protect this data from general disclosure.

For the foregoing reasons, Armstrong requests that the designated information be protected from public disclosure.

Respectfully submitted,


Mark S. Yurick (0039176)
TAFT STETTINIUS & HOLLISTER LLP
65 East State Street
Suite 1000
Columbus, OH 43215
(614) 334-7197
(614) 221-2007 (Fax)
myurick@taftlaw.com

Attorneys for Armstrong
Telecommunications, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served this 24th day of February, 2012 by electronic mail, upon the persons listed below.


Mark S. Yurick (0039176)
Attorneys for Armstrong
Telecommunications, Inc.

Ohio Consumers' Counsel
David C. Bergmann
Terry Etter
Office of the Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, OH 43215-3485
Bergmann@occ.state.oh.us
etter@occ.state.oh.us

Cincinnati Bell
Douglas E. Hart
Cincinnati Bell Telephone Company LLC
441 Vine Street, Suite 4192
Cincinnati, OH 45202
dhart@douglasshart.com

Verizon
Charles Carrathers
Verizon
600 Hidden Ridge HQU03H52
Irving, TX 75038
chuck.carrathers@verizon.com

Bell & Royer Co., LPA
Barth E. Royer
Bell & Royer Co., LPA
33 South Grant Avenue
Columbus, OH 43215-3927
barthroyer@aol.com

T-Mobile USA, Inc.
Garnet Hanly
T-Mobile USA, Inc.
401 Ninth Street, NW, Suite 550
Washington, DC 20004
garnet.hanly@t-mobile.com

Bailey Cavalieri LLC
Williams Adams
Bailey Cavalieri LLC
10 West Broad Street, Suite 2100
Columbus, OH 43215-3422
William.adams@baileycavalieri.com

Thomas, Long, Niesen & Kennard
Norman J. Kennard
Regina L. Matz/Teresa Thomas
Thomas, Long, Niesen & Kennard
P.O. Box 9500
Harrisburg, PA 17108
rmatz@thomaslonglaw.com
Teresa@thomaslonglaw.com

AT&T
Mary Ryan Fenlon
Jon F. Kelly
AT&T Services, Inc.
150 East Gay Street, Room 4-C
Columbus, OH 43215
mfl842@att.com
jk2961@att.com

Verizon
David Haga, Assistant Attorney General
Verizon
1320 North Courthouse Road
Arlington, VA 22201
david.haga@verizon.com

CenturyLink
Zsuzsanna E. Benedek, Esquire
Gary Baki
CenturyLink
240 North Third Street, Suite 300
Harrisburg, PA 17101
sue.benedek@centurylink.com
gary.s.baki@embarq.com

The MACC Coalition
Thomas J. O'Brien
Teresa Orahoad
Bricker & Eckler LLP
100 South Third Street
Columbus, OH 43215-4291
tobrien@bricker.com
torahood@bricker.com

NextLink Wireless, Inc.
Richard R. Parsons
Kravitz Brown & Dortch LLC
65 East State Street, Suite 200
Columbus, OH 43215
rparsons@kravitzll.com

Access Point, Inc.
Kate Dutton
1100 Crescent Green, Suite 109
Cary, NC 27518
kate.dutton@accesspointinc.com

Onvoy, Inc.
Mary T. Buley
300 South Highway 169, Suite 700
Minneapolis, MN 55426
mary.buley@onvoy.com

Sprint Nextel
Diane C. Browning, Counsel
State Regulatory Affairs
Sprint Nextel
6450 Sprint Parkway
Mailstop KSOPHN0314-3A459
Overland Park, KS 66251
diane.c.browning@sprint.com

Frontier Communications
Kevin Saville
Rachel G. Winder
Associate General Counsel
Frontier Communications
2378 Wilshire Boulevard
Mound, MN 55364
kevin.saville@ftr.com
Rachel.winder@ftr.com

Public Utilities Commission of Ohio
William Wright, Chief
180 East Broad Street, 6th Floor
Columbus, OH 43215-3793
bill.wright@puc.state.oh.us

Frontier Communications
Carolyn Flahive
Thompson Hine LLP
41 South High Street, Suite 1700
Columbus, OH 43215-6101
carolyn.flahive@thompsonhine.com

ICORE
Gary M. Zingaretti
253 South Franklin Street
Wilkes-Barre, PA 18701
gzing@icoreinc.com

Technologies Management, Inc.
Laura McGrath
2600 Maitland Center Parkway
Maitland, FL 32751
lmcgrath@tminc.com

Impact Network Solutions, Inc.
Nancy L. Myers
429 Trenton Avenue
Findlay, OH 45840
myersn@impactnetwork.com

First Communications, Inc.
Mary Cegelski
15278 Neo Parkway
Garfield Heights, OH 44128
mcegelski@firstcomm.com