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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 Sub. S.B. 162 )

**MOTION FOR PROTECTIVE ORDER**


Pursuant to Ohio Adm.Code 4901-1-24(D), Middle Point Home Telephone Company ("Middle Point") hereby moves the Commission for a protective order regarding the confidential information that it is filing contemporaneously with this Motion, specifically the unredacted version of its calculations supporting the mandated reductions in its intrastate access rates (the "Confidential Information"). Specifically, Middle Point seeks to protect its Intrastate Minutes of Use/Demand (the "MOU") and related revenues derived from the MOU.

Middle Point requests that the Commission issue such order as is necessary to protect the Confidential Information. Non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code because the Commission and its Staff will have full access to the Confidential Information in order to fulfill their statutory obligations.


The bases for this Motion may be found in the attached Memorandum of Support.

Respectfully submitted,

MIDDLE POINT HOME TELEPHONE  
COMPANY

  
By: Carolyn S. Flahive (0072404)  
THOMPSON HINE LLP  
41 S. High Street, Suite 1700  
Columbus, Ohio 43215  
Telephone: (614) 469-3200  
Facsimile: (614) 469-3361

Its Counsel

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

In accordance with the Commission's March 20, 2012 Entry in this proceeding, Middle Point is concurrently filing its calculations supporting the mandated reductions to its intrastate access rates. One element of the calculations is Middle Point's Intrastate Minutes of Use/Demand (the "MOU"), which Middle Point considers to be confidential and proprietary data. Further, the calculations include related revenue information that is derived from the MOU (together, the MOU and the related derived revenues shall be referred to herein as the "Confidential Information"). Because Middle Point considers the MOU and derived revenues to be confidential, the unredacted version of the calculations has been filed under seal as required by Ohio Adm.Code 4901-1-24(D).

The Confidential Information includes detail about Middle Point's finances and operations that would be of significant interest to competitors. Consequently, that data constitutes confidential information that should not be disclosed in the public record.

The Confidential Information constitutes trade secrets as defined in Revised Code §1333.61(D). The information (1) derives 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, and (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

The Ohio Supreme Court adopted six factors to be used in determining whether a trade secret claim meets the statutory definition:

- 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.

*State ex rel. The Plain Dealer v. Ohio Dept. of Ins.*, 80 Ohio St.3d 513, 524-525 (1997).

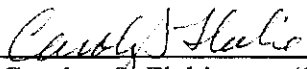
With the exception of Middle Point's billing vendor, the Confidential Information is not known outside of Middle Point and is known within Middle Point only to senior managers and a limited number of employees with a particular need to know. Middle Point has taken precautions to guard the secrecy of the Confidential Information by limiting its dissemination. Disclosure of the Confidential Information would harm Middle Point's competitive position in the marketplace. (See attached Affidavit of Kent Hughes, Assistant Vice President.)

The protection of trade secret information from public disclosure is consistent with the purposes of Title 49 because the Commission and its Staff have access to the information. Granting protection of the Confidential Information requested herein will not impair the Commission's regulatory responsibilities.

Confidential treatment of the calculations is therefore both appropriate and required by Ohio law and the Commission's rules. For the foregoing reasons, Middle Point prays that its Motion for Protective Order be granted.

Respectfully submitted,

MIDDLE POINT HOME TELEPHONE  
COMPANY

  
By: Carolyn S. Flahive (0072404)  
THOMPSON HINE LLP  
41 S. High Street, Suite 1700  
Columbus, Ohio 43215  
Telephone: (614) 469-3200  
Facsimile: (614) 469-3361

Its Counsel

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**AFFIDAVIT OF KENT HUGHES**

STATE OF OHIO

COUNTY OF HENRY

**NOW COMES** Kent Hughes, being first duly cautioned and sworn, deposes and says as follows:

1. I am Assistant Vice President of Middle Point Home Telephone Company ("Middle Point"); 106 1/2 E. Jackson Street, PO Box 41, Middle Point, OH 45863. I am authorized to make this Affidavit on behalf of Middle Point, and do so in the ordinary discharge of my responsibilities.
2. I have personal knowledge of all relevant matters pertaining to the calculations that Middle Point filed with the Public Utilities Commission of Ohio on April 10, 2012, including the MOU and related revenue data.
3. Middle Point considers the MOU and related revenue data (together, the "Confidential Information") to be confidential.
4. The Confidential Information is not otherwise available to the general public, and includes detail about Middle Point's finances and operations that would be of significant interest to competitors. Consequently, Middle Point is requesting that the Confidential Information not be disclosed to the public.

5. The Confidential Information 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 derive economic value from its disclosure or use.
6. With the exception of Middle Point's billing vendor, the Confidential Information is provided only to Middle Point's senior management and a restricted list of employees who have a particular need to know the Information.
7. The Confidential Information is indicative of Middle Point's operations and, therefore, public disclosure of the Confidential Information would place Middle Point at a competitive and economic disadvantage.
8. The Confidential Information is the subject of efforts by Middle Point that are reasonable under the circumstances to maintain its secrecy.

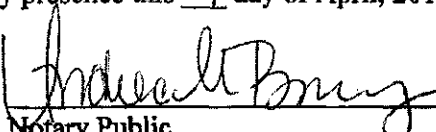
FURTHER AFFIANT SAYETH NAUGHT.

  
Kent Hughes

Sworn to before me and subscribed in my presence this 9 day of April, 2012.



ANDREA M. BUENING  
Notary Public, State of Ohio  
My Comm. Expires Sept. 21, 2016

  
Notary Public

**CERTIFICATE OF SERVICE**

It is hereby certified that a true copy of the foregoing was served via electronic mail to the persons listed below this 10th day of April, 2012.

Terry Etter  
Office of the Ohio Consumers' Counsel  
10 West Broad Street, Suite 1800  
Columbus, OH 43215-3485  
[etter@occ.state.oh.us](mailto:etter@occ.state.oh.us)

Douglas E. Hart  
Cincinnati Bell Telephone Company LLC  
441 Vine Street, Suite 4192  
Cincinnati, OH 45202  
[dhart@douglasshart.com](mailto:dhart@douglasshart.com)

Barth E. Royer  
Bell & Royer Co., LPA  
33 South Grant Avenue  
Columbus, OH 43215-3927  
[barthroyer@aol.com](mailto:barthroyer@aol.com)

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

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

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

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

David Haga  
Verizon  
1320 North Courthouse Road  
Arlington, VA 22201  
[david.haga@verizon.com](mailto:david.haga@verizon.com)

Zxuzsanna E. Benedek  
CenturyLink  
240 North Third Street, Suite 300  
Harrisburg, PA 17101  
[sue.benedek@centurylink.com](mailto:sue.benedek@centurylink.com)

Thomas J. O'Brien  
Bricker & Eckler LLP  
100 South Third Street  
Columbus, OH 43215-4291  
[tobrien@bricker.com](mailto:tobrien@bricker.com)

Richard R. Parsons  
Kravitz Brown & Dortch LLC  
65 East State Street, Suite 200  
Columbus, OH 43215  
[rparsons@kravitzll.com](mailto:rparsons@kravitzll.com)

Kate Dutton  
Access Point, Inc.  
1100 Crescent Green, Suite 109  
Cary, NC 27518  
[kate.dutton@accesspointinc.com](mailto:kate.dutton@accesspointinc.com)

Mary T. Buley  
300 South Highway 169, Suite 700  
Minneapolis, MN 55426  
[mary.buley@onvoy.com](mailto:mary.buley@onvoy.com)

Diane C. Browning  
Sprint Nextel  
6450 Sprint Parkway  
Mailstop KSOPHN0314-3A459  
Overland Park, KS 66251  
[diane.c.browning@sprint.com](mailto:diane.c.browning@sprint.com)

Kevin Saville  
Frontier Communications Corporation  
2378 Wilshire Boulevard  
Mound, MN 55364  
[kevin.saville@ftr.com](mailto:kevin.saville@ftr.com)

Gary M. Zingaretti  
ICORE  
253 South Franklin Street  
Wilkes-Barre, PA 18701  
[gzing@icoreinc.com](mailto:gzing@icoreinc.com)

Mary Cegelski  
First Communications, Inc.  
15278 Neo Parkway  
Garfield Heights, OH 44128  
[mcegelski@firstcomm.com](mailto:mcegelski@firstcomm.com)

D. Anthony Mastando  
Vice President, Regulatory Affairs  
7037 Old Madison Pike  
Huntsville, AL 35806  
[tony.mastando@corp.earthlink.com](mailto:tony.mastando@corp.earthlink.com)

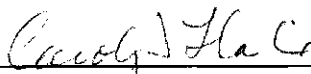
Sandi Murphy  
First Telecom Services, LLC  
3340 West Market Street  
Akron, Ohio 44333  
[smurphy@firstcomm.com](mailto:smurphy@firstcomm.com)

Benita Kahn  
Stephen M. Howard  
Vorys, Sater, Seymour & Pease, LLP  
52 E. Gay Street, PO Box 1008  
Columbus, OH 43216-1008  
[bakahn@vorys.com](mailto:bakahn@vorys.com)  
[smhoward@vorys.com](mailto:smhoward@vorys.com)

Gary Baki  
CenturyLink  
50 W. Broad Street, Suite 3600  
Columbus, OH 43215  
[gary.s.baki@centurylink.com](mailto:gary.s.baki@centurylink.com)

William Wright  
Assistant Attorney General  
Chief, Public Utilities Section  
180 East Broad Street, 6th Floor  
Columbus, OH 43215-3793  
[william.wright@puc.state.oh.us](mailto:william.wright@puc.state.oh.us)

Laura McGrath  
Technologies Management, Inc.  
2600 Maitland Center Parkway  
Maitland, FL 32751  
[lmcgrath@tminc.com](mailto:lmcgrath@tminc.com)

  
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Carolyn S. Flahive