

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**2012 APR 11 PM 2: 55**

In the Matter of the Commission's Investigation )  
into Intrastate Carrier Access Reform Pursuant )  
to Sub. S.B. 162 )

Case No. 10 - 2387 - TP - COI

**PUCO**

**MOTION FOR PROTECTIVE ORDER**

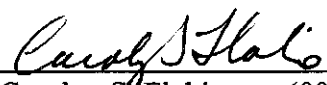
Pursuant to Ohio Adm.Code 4901-1-24(D), Arthur Mutual Telephone Company ("Arthur") hereby moves the Commission for a protective order regarding the confidential information that it is filing contemporaneously with this Motion, specifically the unredacted version of its calculations supporting the mandated reductions in its intrastate access rates (the "Confidential Information"). Specifically, Arthur seeks to protect its FY 2011 Intrastate Demand figures (the "MOU") and related revenues derived from the MOU.

Arthur 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,

ARTHUR MUTUAL 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

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 RE Date Processed APR 11 2012

**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    )

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

In accordance with the Commission's March 20, 2012 Entry in this proceeding, Arthur is concurrently filing its calculations supporting the mandated reductions to its intrastate access rates. One element of the calculations is Arthur's FY 2011 Intrastate Demand (the "MOU"), which Arthur 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 Arthur 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 Arthur'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 Arthur's billing vendor, the Confidential Information is not known outside of Arthur and is known within Arthur only to senior managers and a limited number of employees with a particular need to know. Arthur has taken precautions to guard the secrecy of the Confidential Information by limiting its dissemination. Disclosure of the Confidential Information would harm Arthur's competitive position in the marketplace. (See attached Affidavit of Eric W. Roughton, General Manager.)

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, Arthur prays that its Motion for Protective Order be granted.

Respectfully submitted,

ARTHUR MUTUAL 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

**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   )

**AFFIDAVIT OF ERIC W. ROUGHTON**

STATE OF OHIO

COUNTY OF DEFIANCE

**NOW COMES** Eric W. Roughton, being first duly cautioned and sworn, deposes and says as follows:

1. I am General Manager of Arthur Mutual Telephone Company ("Arthur"); 21980 S.R. 637, Defiance, OH 43512-9308. I am authorized to make this Affidavit on behalf of Arthur, and do so in the ordinary discharge of my responsibilities.
2. I have personal knowledge of all relevant matters pertaining to the calculations that Arthur filed with the Public Utilities Commission of Ohio on April 11, 2012, including the MOU and related revenue data.
3. Arthur 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 Arthur's finances and operations that would be of significant interest to competitors. Consequently, Arthur 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 Arthur's billing vendor, the Confidential Information is provided only to Arthur'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 Arthur's operations and, therefore, public disclosure of the Confidential Information would place Arthur at a competitive and economic disadvantage.
8. The Confidential Information is the subject of efforts by Arthur that are reasonable under the circumstances to maintain its secrecy.

FURTHER AFFLIANT SAYETH NAUGHT.

  
Eric W. Roughton

Sworn to before me and subscribed in my presence this 10<sup>th</sup> day of April, 2012.

JANET E. SHOLL, NOTARY PUBLIC

PAULDING COUNTY, OHIO

COMMISSION EXPIRES 6-17-2015

  
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 11th 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 453215-4291  
[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)

  
\_\_\_\_\_  
Carolyn S. Flahive