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April 11, 2012

Via Federal Express

**Barcy McNeal, Secretary of the Commission**  
**Attn: Docketing Division**  
**Public Utility Commission of Ohio**  
**180 East Broad Street**  
**Columbus, OH 43215-3793**

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

Dear Secretary McNeal:

Enclosed for filing on behalf of New Knoxville Telephone Company ("NKT") in the above-captioned docket please find the original and three (3) copies of a Motion for Protective Order and Memorandum in Support pursuant to the Commission's regulations at 4901-1-24(D) of the Ohio Administrative Code. As set forth more fully in the enclosed documents, this Motion is filed with respect to information required to be provided by the NKT in response to the Commission's February 29 and March 8, 2012 Entries at the above captioned matter.

In accordance with the Commission's regulations, three (3) unredacted copies of the confidential information are also enclosed for filing under seal with each page on which confidential information is provided clearly and conspicuously marked as confidential.

The redacted public version has been electronically filed on April 11, 2012. Should you have any questions, please do not hesitate to contact me.

Sincerely,

THOMAS, LONG, NIESEN & KENNARD

By

**Norman J. Kennard**

NJK:tl  
Enclosure

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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**PUCO**

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

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**MOTION FOR PROTECTIVE ORDER OF  
NEW KNOXVILLE TELEPHONE COMPANY**

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New Knoxville Telephone Company ("NKT"), pursuant to the regulations of the Public Utilities Commission of Ohio ("PUCO" or "Commission") at Ohio Adm. Code §4901-1-24 and the Commission's Entry in the above matter dated February 29, 2012 at Paragraph 6, files this Motion for Protective Order to preserve the confidential and proprietary nature of certain of the information to be filed by NKT in response to said Entry. The basis for this motion is set forth in the accompanying memorandum in support. NKT submits that the non-disclosure of this confidential and proprietary information is not inconsistent with the purposes of Title 49, Ohio Revised Code.

In conformance with Rule 4901-1-24(D) of the Ohio Administrative Code, NKT has or will file only such information redacted as is essential to prevent disclosure of confidential and proprietary information and has or will file three (3) unredacted copies of the documents for which confidential protection is sought under seal.

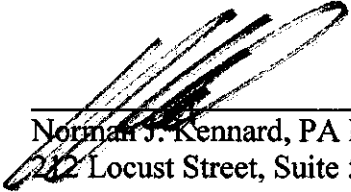
NKT recognizes that pursuant to PUCO regulation 4901-1-24(F), unless otherwise ordered, any order prohibiting disclosure of the information for which confidential treatment was

sought or granted essentially will automatically expire after 18 months. While the actual figures provided by NKT may change due to the passage of time, NKT submits that the sensitive nature of the information will not. Accordingly, in this Motion, NKT also requests that the Commission or its authorized representative not only grant a Protective Order as requested herein, but also provide that such Order shall remain in effect and the information not automatically become public.

For the reasons stated more fully in the accompanying memorandum, NKT requests that its Motion for Protective Order as described herein be granted.

Respectfully submitted,

THOMAS, LONG, NIESEN & KENNARD



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Attorneys for the  
New Knoxville Telephone Company

Date: April 11, 2012

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

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**MEMORANDUM IN SUPPORT OF  
NEW KNOXVILLE TELEPHONE COMPANY'S  
MOTION FOR PROTECTIVE ORDER**

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By Entry dated February 29, 2012, the Public Utilities Commission of Ohio ("PUCO" or "Commission") has requested certain information be submitted. The Commission also noted in the February 29<sup>th</sup> Entry that: "To the extent that an ILEC or CLEC seeks confidential treatment of portions of the information supporting its application, the appropriate motion should be filed pursuant to Rule 4901-1-24, Ohio Administrative Code, interested entities should enter into the necessary protective agreements to the extent that there is interest in reviewing information that has been designated as being confidential."

New Knoxville Telephone Company ("NKT") seeks confidential protection for all information designated as confidential and/or proprietary in the accompanying filing (along with any and all copies, including electronic copies) be protected from public disclosure. The confidential information consists of NKT's required access reduction calculations required by the Commission's February 29, 2012 and March 8, 2012 Entries. The access quantity and total revenue figures constitute NKT confidential trade secret information and are deserving of protection as the Commission contemplated in paragraph 6 of the February 29, 2012 Entry.

The demand and revenue information filed by NKT is proprietary and confidential information, is competitively sensitive and not otherwise subject to public disclosure. Given the

competitive environment of today's telecommunications industry, disclosure of such competitively sensitive and confidential information would be harmful to NKT, giving its competitors a competitive advantage through disclosure of information not otherwise made publicly available and adversely affecting NKT's ability both to conduct business with other carriers and compete against them. As such, this information also qualifies for confidential protection as a trade secret pursuant to Section 1333.61(D) of the Revised Code.

The Commission has previously recognized the sensitive nature of information required to be filed in access restructuring proceedings in both this proceeding, as well as the proceeding at Case No. 97-632-TP-COI, involving the Commission Investigation of the Intrastate Universal Service Discounts, and the proceeding at Case No. 00-127-TP-COI, involving the Commission's Investigation into the Modification of Intrastate Access Charges, where NKT and other carriers sought and the Commission granted confidential protection of financially sensitive information.<sup>1</sup> Moreover, as stated above, the Commission has already recognized in the current docket the potential disclosure of competitively sensitive information in its data requests, and invited the filing of a motion for protective order to the extent necessary.

NKT has narrowly tailored its request to seek confidential protection of only that data that is not available within the public domain and the release of which would be injurious to it. Accordingly, NKT respectfully requests that its Motion for Protective Order be granted.

Moreover, as noted in the Motion, NKT requests that in its Order the Commission also provide that Section 4901-1-24(F) of its regulations will not apply and that the protection afforded will not automatically expire after 18 months. While the actual numbers provided in the confidential responses to the data requests may change over time, disclosure reveals not only the actual numbers, but also their relative relation to each other, a factor not derivable from public

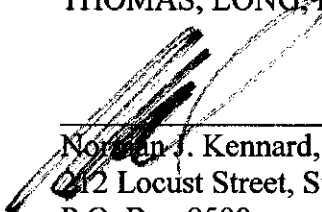
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<sup>1</sup> See e.g. *In the Matter of the Commission's Investigation Into the Modification of Intrastate Access Charges*, Case No. 00-127-TP-COI, January 11, 2001 Opinion and Order at 2, footnote 3.

information and therefore which remains a confidential piece of information that upon disclosure will provide meaningful information to competitors and other interests adversarial to NKT. For these reasons, NKT requests the Commission also provide in a protective order that the confidential protection afforded this limited data will continue.

Respectfully submitted,

THOMAS, LONG, ~~MIESEN~~ & KENNARD



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Dated: April 11, 2012

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New Knoxville Telephone Company