

FILE

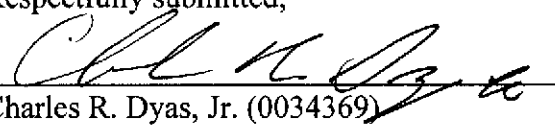
**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's)
Investigation into the Continuation of the) Case No. 08-439-TP-COI
Ohio Telecommunications Relay Service)

MOTION FOR PROTECTIVE ORDER

Pursuant to Rule 4901-1-24(D) of the Ohio Administrative Code, Sprint Communications Company L.P., ("Sprint"), by and through counsel of record respectfully moves for a protective order to maintain the confidentiality of certain proprietary price information filed hereunder under seal, and requests that such information be maintained as confidential and not be made part of the public record. The reasons supporting this motion are detailed in the attached Memorandum in Support. Consistent with the requirements of the above cited Rule, three (3) unredacted copies of the materials are submitted under seal.

Respectfully submitted,


Charles R. Dyas, Jr. (0034369)
Barnes & Thornburg LLP
41 South High Street, Suite 3300
Columbus, Ohio 43215
(614) 628-1408
(614) 628-1433 Facsimile
cdyas@btlaw.com

and

Diane Browning
Counsel, State Regulatory Affairs
6450 Sprint Parkway
Overland Park, KS 66251
(913) 315-9284 (phone)
(913) 523-0571 (fax)
diane.c.browning@sprint.com

Attorneys for Sprint Communications Company L.P.

RECEIVED-DOCKETING DIV
2012 SEP 20 PM 3:32
PUCO

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 DM Date Processed SEP 20 2012

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

Sprint requests that the proprietary and confidential pricing information submitted herewith be protected from public disclosure. Rule 4901-1-24(D) of the Ohio Administrative Code 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. State law recognizes the need to protect certain types of information which are the subject of this motion. The non-disclosure of the information will not impair the purposes of Title 49. The Commission and its Staff have full access to the information in order to fulfill the Commission's statutory obligations. No purpose of Title 49 would be served by the public disclosure of the information.

The need to protect the designated information from public disclosure is clear, and there is compelling legal authority supporting the requested protective order. 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)) which holds that "a trade secret or other confidential research, development, commercial, or other information not be disclosed or be disclosed only in a designated way."

The definition of a “trade secret” is set forth in the Uniform Trade Secrets Act:

“Trade secret” means information, including the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula, patter, compilation, program, device, method, technique, or improvement, or any business information or plans, financial information or listing of names, addresses, or telephone numbers, that satisfies both of the following:

(1) It 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 obtain economic value from its disclosure or use.

(2) It is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Section 1333.61(D), Revised Code. This definition clearly reflects the state policy favoring the protection of trade secrets such as the proprietary information which is the subject of this motion.

Courts of other jurisdictions have held that not only does a public utilities commission have the authority to protect the trade secrets of the companies subject to its jurisdiction; the trade secrets statute creates a duty to protect them. New York Tel. Co. v. Pub. Serv. Comm. N.Y., 56 N.Y. 2d 213 (1982). Indeed, for the Commission to do otherwise would be to negate the protections the Ohio General Assembly has granted to all businesses, including public utilities, through the Uniform Trade Secrets Act. This Commission has previously carried out its obligations in this regard in numerous 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).

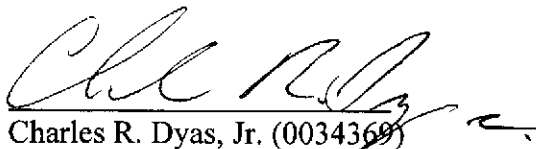
In Pyromatics, Inc. v. Petruziello, 7 Ohio App. 3d 131, 134-135 (Cuyahoga County 1983), the Court of Appeals, citing Koch Engineering Co. v. Faulconer, 210 U.S.P.Q. 854, 861 (Kansas 1980), has delineated factors to be considered in recognizing a trade secret:

- (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.

Applying these factors to the proprietary pricing information submitted herewith, it is clear that a protective order should be granted. Public disclosure of this information is not likely to assist the Commission in carrying out its duties, especially since commission staff will have the ability to review the unredacted information. In furtherance of the Commission's policy favoring open proceedings, Sprint has submitted a non-confidential version of the materials with only the pricing information redacted. That filing will be fully available for review by the public, and this should eliminate any perceived need to allow public review of the attached information. Sprint is unaware of any other policy goal that would be served by allowing public inspection of the submitted pricing information.

WHEREFORE, for the above reasons, Sprint requests the Commission to grant its motion for a protective order and to maintain the confidentiality of the pricing information submitted herewith under seal.

Respectfully submitted,



Charles R. Dyas, Jr. (0034369)
Barnes & Thornburg LLP
41 South High Street, Suite 3300
Columbus, Ohio 43215
(614) 628-1408
(614) 628-1433 Facsimile
cdyas@btlaw.com

and

Diane Browning
Counsel, State Regulatory Affairs
6450 Sprint Parkway
Overland Park, KS 66251
(913) 315-9284 (phone)
(913) 523-0571 (fax)
diane.c.browning@sprint.com

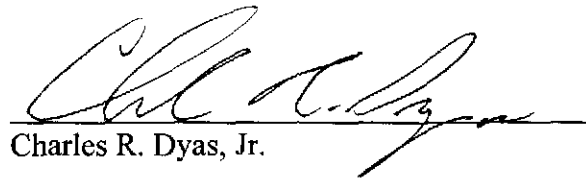
Attorneys for Sprint Communications Company L.P.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion for Protective Order and Memorandum in Support was served upon the following persons by electronic mail this 28th day of September, 2012.

Jon F. Kelly
Verneda Engram
150 E. Gay St., Rm. 4-A
Columbus, OH 43215
jk2961@att.com

Carolyn S. Flahive
Thompson Hine
41 S. High St., Ste. 1700
Columbus, OH 43215
carolyn.flahive@thompsonhine.com


Charles R. Dyas, Jr.



June 30, 2012

Lisa Colosimo
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215

Subject: Request for Extension

Reference: Contract #CNMN07012009-TRS to Provide Statewide Telecommunications Relay Service

Dear Ms. Colosimo:

The existing Contract #CNMN07012009-TRS for statewide Telecommunication Relay Service ("Contract") between the Public Utilities Commission of Ohio (the "Commission") and Sprint Communications Company, LP ("Sprint") will expire on June 30, 2013. The current reimbursement rate (in session minutes) for the Ohio Relay Service is \$0.88 for standard TRS and \$1.49 for Captioned Telephone service ("CapTel").

Sprint values our relationship with the Commission and the Ohio relay user communities and therefore it is our desire to renew the current Contract and continue to be Ohio's premier relay service provider for an additional four year term. Sprint is also offering the Commission the option to select a shorter extension term of two years, if preferred.

If awarded the contract extension, Sprint will continue to provide services in compliance with the existing Contract including FCC-compliant TRS and CapTel Service and an annual Outreach budget of \$45,000. Sprint has carefully reviewed all costs associated with providing the Ohio Relay Service and believes that the new proposed rates are necessary, fair and competitive for the following reasons:

1. *Sprint's extension proposal provides continued economic benefit with the Dayton, Ohio center.*

Sprint provides an in-state TRS call center through its subcontractor, CSD (Communication Services for the Deaf). The Dayton, Ohio TRS call center handles 85% of all Ohio TRS calls. As TRS users transition to emerging technology, the number of TRS calls and required number of Communication Assistants (CAs) needed to process those calls continues to decline at a rate of approximately ten percent (10%) annually. Currently, only twenty-one (21) CAs are necessary to process Ohio Relay Service calls and the Dayton, Ohio TRS call center employs approximately ninety-five (95) employees.

CapTel is a popular service which continues to attract new customers across the nation. Recently, Sprint expanded one of its TRS centers to include CapTel CA positions. Sprint intends to expand other TRS centers with CapTel technology as the CapTel service continues to grow and Sprint is currently evaluating the Dayton Center.

2. *Sprint's new proposed pricing is highly competitive and lower than many recent competitive bids.*

Please see Figure 1 below for the Sprint's proposed reimbursement rates (in session minutes) for the contract extension terms. Sprint's four year contract extension term offers the Commission the greatest value by providing protection against pricing increases for a longer period of time.

[BEGIN SPRINT PROPRIETARY]

Billable Term Length	Service	Year One	Year Two	Year Three	Year Four
Two (2) Year Contract Extension					
Four (4) Year Contract Extension					

Figure 1 - Proposed Rates for Contract Extension in Session Minutes

[END SPRINT PROPRIETARY]

Proposed Pricing is Lower than Current Industry Rates

Figure 2 provides current Sprint pricing for several States contracted with Sprint which have signed new contracts and/or contract extensions in the past twelve (12) months. Please note that all of the States in Figure 2 are served by regional TRS call centers and do not feature an in-state call center and identifying information has been removed to protect the customers' proprietary information.

[BEGIN SPRINT PROPRIETARY]

	Billable Minutes	TRS	CapTel
State 1			
State 2			
State 3			
State 4			

Figure 2 - Recent Pricing

[END SPRINT PROPRIETARY]

Sprint has been proud to serve as the Ohio Relay Service provider since 1997. We very much value our relationship with the Commission and the user communities. If you have any questions concerning this extension offer, please contact James Skjeveland at (317) 500-6200 or by e-mail at James.Skjeveland@sprint.com.

Sincerely,



Michaela Clairmonte
 Manager, Contracts Negotiations & Management

**CC: James Skjeveland, Sprint Relay
Maggie Schoolar, Sprint Relay**