

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
Wabash Mutual Telephone Company) Case No. 08-703-TP-WVR
for a "Me Too" Edge-Out-Waiver.)

ENTRY

The attorney examiner finds:

- (1) In accordance with the attorney examiner Entry of June 24, 2008, Wabash Mutual Telephone Company's (Wabash) motion for a protective order was granted regarding proprietary information that was filed as part of Wabash's application in this proceeding.
- (2) By Entry of December 9, 2009, the request of Wabash to extend the protective order was granted.
- (3) Pursuant to its motion of May 5, 2011, Wabash seeks to further extend the protective order for an unspecified period of time. In support of its request, Wabash explains that the relevant information consists of confidential billing system modification information to comply with the Commission's edge-out access rate reduction requirements. Wabash submits that the information continues to be competitively sensitive trade secret information and public disclosure would impair Wabash's ability to compete in the marketplace.

Wabash asserts that the designated information must be continued to be protected due to the fact that it constitutes a trade secret pursuant to Section 1333.61(D), Revised Code. Wabash contends that protection of trade secret information from public disclosure is consistent with the purposes of Title 49, Revised Code, inasmuch as the Commission and its Staff have access to the information and, as in this case, the parties may have access under an appropriate protective agreement.

- (4) Based on the arguments presented, the attorney examiner determines that the protective order previously issued

pursuant to the attorney examiner Entry of December 9, 2009, should be extended due to the continued proprietary nature of the relevant information. However, in reaching this decision, the attorney examiner finds that the protective order should be extended for a period of 18 months from the date of this Entry, rather than the requested indefinite time frame.

In support of this determination, the attorney examiner references the fact that orders prohibiting public disclosure of documents automatically expire within 18 months. Although a party may, pursuant to Rule 4901-1-24, Ohio Administrative Code (O.A.C.), seek an extension of a protective order, the requesting entity must demonstrate the need for the specific time frame requested. While Wabash has failed to specify a specific time frame, the attorney examiner concludes that, consistent with Commission rules, the maximum extension of an additional 18 months should be granted. After this period of time, Wabash should perform an evaluation in order to determine whether the protected information continues to require protective treatment.

- (5) Rule 4901-1-24(F), O.A.C., requires a party wishing to extend a protective order to file an appropriate motion at least 45 days in advance of the expiration date. If Wabash wishes to extend this confidential treatment, it must file a motion that includes a detailed discussion of the need for continued protection at least 45 days in advance of the expiration date. If no such motion is filed, the Commission may release this information without prior notice to Wabash.

It is, therefore,

ORDERED, That the protective order of June 24, 2008, shall be extended a second time in accordance with Finding (4). It is, further,

ORDERED, That the Commission's docketing division continue to maintain the proprietary information under seal for a period of 18 months from the date of this Entry. It is, further,

ORDERED, That a copy of this entry be served upon all parties and interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Jay Agranoff

By: Jay S. Agranoff
Attorney Examiner

JRJ/sc

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in

Case No(s). 08-0703-TP-WVR

Summary: Attorney Examiner Entry ordered that the protective order of 06/24/08 shall be extended a second time in accordance with Finding (4) and ordered that the Commission's Docketing Division continue to maintain the proprietary information under seal for a period of 18 months from the date of this Entry. - electronically filed by Sandra Coffey on behalf of Jay Agranoff, Attorney Examiner, Public Utilities Commission of Ohio