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October 15, 2013

Via Federal Express

Barcy F. McNeal, Secretary
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, OH 43215

Re: *In the Matter of the Annual Filing Requirements for 2013 Pertaining to the Provisioning of High Cost Universal Service*, Case No. 13-1115-TP-COI; **2013 FCC 481**

Dear Secretary McNeal:

Enclosed for filing in the above-captioned docket on behalf of Continental Telephone Company ("Continental") please find an 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 Outage reporting required by 47 C.F.R. § 54.313 including the location, cause, duration of an outage; efforts taken to prevent further outages; information regarding unfulfilled service requests; and consumer complaint information, which is confidential and proprietary to the Company, contained within the Federal Communications Commission's Form 481.

Redacted public versions of Continental's Form 481 will be or have been electronically filed with the Commission. Three (3) unredacted copies of the **confidential information** are also enclosed herewith for filing under seal with each page containing Confidential Information so marked.

Continental requests that you certify to the FCC, as required by 47 C.F.R. § 54.314, by the deadline of December 16, 2013, so that Continental should continue receiving Federal high cost support.

Should you or any member of the Commission Staff have any questions, please do not hesitate to contact me. Thank you for your attention to this matter.

Sincerely,

THOMAS, LONG, NIESEN & KENNARD

By

Norman J. Kennard

NJK:tlt

Enclosure

cc: Marianne Townsend (Confidential version)

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Annual Filing)	
Requirements for 2013 Pertaining to the)	Case No. 13-1115-TP-COI
Provisioning of High Cost Universal)	
Service)	

**MOTION FOR PROTECTIVE ORDER OF
CONTINENTAL TELEPHONE COMPANY**

Continental Telephone Company (“Continental” or “Company”), pursuant to the regulations of the Public Utilities Commission of Ohio (“PUCO” or “Commission”) at Ohio Adm. Code § 4901-1-24(D) and the Commission’s Entry in the above matter dated June 27, 2013, files this Motion for Protective Order to preserve the confidential and proprietary nature of certain of the information to be filed with the Commission. The basis for this Motion is set forth in the accompanying Memorandum in Support.

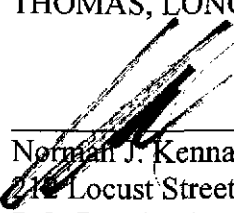
The Company is contemporaneously filing with the Commission its FCC Form 481. Confidential treatment is sought for the Outage reporting required by 47 C.F.R. § 54.313 including the location, cause, duration of an outage; efforts taken to prevent further outages; information regarding unfulfilled service requests; and consumer complaint information.

In conformance with Rule 4901-1-24(D) of the Ohio Administrative Code, Continental has filed only such information redacted as is essential to prevent disclosure of confidential and proprietary information and will file with the Secretary and Commission Staff unredacted copies of the documents for which confidential protection is sought in hard copy under seal.

For the reasons stated more fully in the accompanying Memorandum in Support, Continental Telephone Company requests that their Motion for Protective Order as described herein be granted.

Respectfully submitted,

THOMAS, LONG, NIESEN & KENNARD



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(717) 255-7600

Dated: October 15, 2013

Attorneys for
Continental Telephone Company

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Annual Filing)	
Requirements for 2013 Pertaining to the)	Case No. 13-1115-TP-COI
Provisioning of High Cost Universal)	
Service)	

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

Continental Telephone Company (“Continental” or “Company”) is concurrently filing FCC Form 481, Carrier Annual Reporting Data Collection Form (“Form 481”), which document contains Outage reporting required by 47 C.F.R. § 54.313 including the location, cause, duration of an outage; efforts taken to prevent further outages; information regarding unfulfilled service requests; and consumer complaint information (the “Confidential Information”). Because the Company considers this information to be confidential this section has been filed under seal as required by Ohio Adm. Code 4901-1-24(D).¹

Section 4905.07, Revised Code, provides that all facts and information in the possession of the Commission shall be public, except as provided in Revised Code Section 149.43, and as consistent with the purposes of Title 49 of the Revised Code. Section 149.43 specifies that the term “public records” excludes information which, under state or federal law, may not be released. The Ohio Supreme Court has clarified that the “state or federal law” exemption is intended to cover trade secrets.²

¹ The Company is also filing this section as confidential with the Federal Communications Commission pursuant to its rules.

² *State ex rel. Besser v. Ohio State*, 89 Ohio St.396, 399, 732 N.E.2d 373 (2000).

Similarly, Rule 4901-1-24, O.A.C., allows the Commission to issue an order to protect the confidentiality of information contained in a filed document, “to the extent that state or federal law prohibits release of the information, including where the information is deemed ... to constitute a trade secret under Ohio law, and where non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code.”

Ohio law defines a trade secret as “information . . . 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; [or] (2) It is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.” Revised Code Section 1333.61(D).

The Ohio Supreme Court has 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.³

The Outage reporting required by 54.313 including the location, cause, duration of an outage; efforts taken to prevent further outages; information regarding unfulfilled service

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

requests; and consumer complaint information for which confidential treatment is sought meets each of these tests. The Confidential Information is not known outside of Continental and its parent company, TDS Telecom, and is known only to senior managers and a limited number of employees with a particular need to know. The Confidential Information cannot be replicated by any other means.

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.

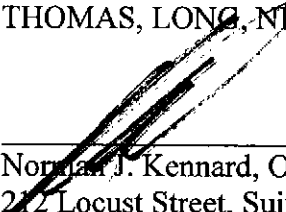
Confidential Information includes detail about Continental's operations that would be of significant interest to its competitors. Given the competitive environment of today's telecommunications industry, public disclosure of such competitively sensitive and confidential information would be greatly harmful to Continental, give its competitors a competitive advantage through disclosure of information not otherwise made publicly available and adversely affect Continental's ability both to conduct business with other carriers and compete against them.

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 Confidential Information. Granting protection of the Confidential Information requested herein will not impair the Commission's regulatory responsibilities.

Confidential treatment of the Confidential Information contained within FCC Form 481 is, therefore, both appropriate and required by Ohio law. For the foregoing reasons, Continental Telephone Company prays this Motion for Protective Order be granted.

Respectfully submitted,

THOMAS, LONG, NIESEN & KENNARD



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