

20



**MARASHLIAN  
& DONAHUE, PLLC**  
THE COMMLAW GROUP

April 5, 2016

FILE

**VIA FEDERAL EXPRESS**

Docketing Division  
Public Utilities Commission of Ohio  
180 East Broad Street, 11<sup>th</sup> Floor  
Columbus, OH 43215

**Re: Mobilite Management, LLC – Motion for Protective Order**

Dear Sir or Madam:

Mobilite Management, LLC ("Petitioner"), by its undersigned counsel and pursuant to 4901-1-24(D) OAC, hereby transmits one (1) original and eight (8) copies of the Petitioner's Motion for Protective Order concerning certain sensitive financial information to be submitted in support of its Application to Provide Competitive Telecommunications Services Throughout the State of Ohio (Case No. 16-0721 - TP - ACE).

Pursuant to 4901-1-24(D)(2) OAC, two (2) unredacted copies of the Petitioner's financial documents are being submitted herewith under separate seal.

If there are any questions regarding this filing, please do not hesitate to contact the undersigned directly.

Respectfully submitted,

Michael P. Donahue  
Marashlian & Donahue, PLLC  
1420 Spring Hill Road, Suite 401  
McLean, VA 22102  
Tel: 703-714-1319  
Fax: 703-563-6222  
Email: [mpd@commlawgroup.com](mailto:mpd@commlawgroup.com)

*Counsel for Petitioner*

Enclosures

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 Am Date Processed April 6 2016

RECEIVED - DOCKETING DIV.  
2016 APR -6 AM 11:37  
PUCO

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF OHIO**

In the Matter of the Application of )  
 )  
**Mobilitie Management, LLC** )  
to Provide Competitive Telecommunications )  
Services Throughout the State of Ohio )

Case No. 16-721-TP-ACE

**MOTION FOR A PROTECTIVE ORDER**

Mobilitie Management, LLC (“Mobilitie Management,” or “Petitioner”), by its attorneys and pursuant 4901-1-24(D) OAC, hereby moves for a protective order to preserve the confidentiality of the financial information of Petitioner’s parent company, Mobilitie Holdings, LLC (“Mobilitie Holdings”), submitted in support of Petitioner’s Application to Provide Competitive Telecommunications Services Throughout the State of Ohio (“Application”). The financial information is protected trade-secret information. The Petitioner and its parent company protect this information from public disclosure, and the release of this information would give unfair advantage to their competitors.

Pursuant to 4901-1-24(D) OAC, the Public Utilities Commission of Ohio (“Commission”) 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 and federal law prohibits the release of the information, and where the non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Ohio Revised Code.

The Ohio Generally Assembly has granted to all businesses, including public utilities, the protection of secrets through the Uniform Trade Secrets Act, and the Commission has recognized its statutory obligation to protect trade secret information. Ohio Rev. Code §§ 1333.61-1333.69; *see In re General Tele. Co.*, Case No. 81-383-TP-AIR (Feb. 17, 1982). The non-disclosure of the financial information submitted in support of the Petitioner’s Application will not impair the

purposes of Title 49 as the Commission will have full access to the information in order to fulfill its statutory obligation. Accordingly, no purpose of Title 49 will be served by the public disclosure of the information.

The Commission has previously granted a protective order where a company seeking such an order can show that: “(a) it is privately held, or is a company that, as a wholly owned subsidiary of a publicly traded company, does not routinely report its financial status, and (b) the information for which protective status is sought represents contemporaneous or projected details about the operations and/or finances of the company that are competitively sensitive and have never previously been made available to the general public or filed with any other public agency.” *In re Buckland Tele. Co.*, Case No. 06-884-TP-UNC *et al.*, 4-5 (2006).

Here, Mobilitie Holdings is a privately held company. Therefore, its financial statements are not publicly available. The Mobilitie Management and Mobilitie Holdings consider these statements to be proprietary and confidential, and have taken appropriate measures to withhold the information from public disclosure. *See* Affidavit of Christos Karmis, attached hereto as **Exhibit A**. If the enclosed financial information were to be made available to the general public, competitors could readily ascertain or infer the Petitioner and its parent company’s economic condition and marketing strategies. Therefore, disclosure of Mobilitie Holdings’ financial statements would cause both parties to suffer an unfair business disadvantage, and cause irreparable harm to their business operations. By seeking the protective order requested herein, the Petitioner seeks to preserve the confidential nature of this information.

Moreover, maintaining the confidentiality of Mobilitie Holdings’ financial statements will in no way prejudice their competitors. The Commission will have the information necessary for it to make an informed decision about granting the Petitioner’s Application vis-à-vis any potential

impact on their competitors. Therefore, the Commission will be able to ensure that the Petitioner complies with the Commission's regulatory requirements without affording them with any undue regulatory advantage.

Furthermore, pursuant to 4901-1-24(D)(2) OAC, attached as **Exhibit B** are two unredacted copies of Mobilitie Holdings' financial information which are submitted in support of the Petitioner's motion for protective order. In accordance with the Commission rules, these documents are marked "Confidential." As such, the Petitioner expects that the Commission and its Staff will abide by the provisions of 4901-1-24(E) OAC by refraining from public disclosure of the documents until otherwise ordered.

WHEREFORE, Petitioner, Mobilitie Management, LLC, respectfully requests that the Commission enter an order protecting from public disclosure the financial statements of Petitioner's parent company, Broadband Transport II LLC, submitted in support of Petitioner's Application to Provide Competitive Telecommunications Services Throughout the State of Ohio.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael P. Donahue". The signature is fluid and cursive, with the first name "Michael" being more legible than the last name "Donahue".

Michael P. Donahue  
Keenan P. Adamchak  
Marashlian & Donahue, PLLC  
1420 Spring Hill Road, Suite 401  
McLean, VA 22102  
Tel: (703) 714-1319  
Fax: (703) 563-6222  
Email: [mpd@commmlawgroup.com](mailto:mpd@commmlawgroup.com)  
[kpa@commmlawgroup.com](mailto:kpa@commmlawgroup.com)

*Counsel for the Petitioner*

Dated: April 5, 2016

**Exhibit A**

**Affidavit**

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF OHIO**

In the Matter of the Application of )  
 )  
**Mobilitie Management, LLC** )  
to Provide Competitive Telecommunications )  
Services Throughout the State of Ohio )

Case No. \_\_\_\_\_

**AFFIDAVIT OF CHRISTOS KARMIS**


I, Christos Karmis, being first duly sworn according to law, hereby depose and say that:

1. I am the President of Mobilitie Management, LLC ("Mobilitie Management" or "Petitioner"). I am responsible for, among other things, financial and business issues relating to the planning, development, and implementation of Petitioner's business in Ohio.
2. By this affidavit, I attest to the accuracy, integrity, and objectivity of the financial statements which Mobilitie Management is submitting in support of its Application to Provide Competitive Telecommunications Services Throughout the State of Ohio. Moreover, as required by the Public Utilities Commission of Ohio ("PUCO"), the financial statements have been prepared in accordance with Generally Accepted Accounting Principles ("GAAP"), and Mobilitie Management will maintain local telephony records separate and apart from any other accounting records in accordance with GAAP.
3. I also support Petitioner's request that the PUCO protect from public disclosure the unaudited financial statements of its parent company, Mobilitie Holding, LLC ("Mobilitie Holding"), being filed under seal herewith ("Confidential Copy").
4. The Confidential Copy contains information that is critical, commercially sensitive, and competitively significant financial data. This information could possibly be used by competitors and potential competitors against both Mobilitie Management and Mobilitie

Holding in the marketplace. Additionally, the information requested is valuable, and is used by both Petitioner and its parent company for internal planning and business purposes.

5. To the best of my knowledge, the information provided in the financial statements has not been made available to the public, or contained in materials which are routinely available to the general public, including without limitation: initial and final orders in contested case adjudications, regulatory filings, press releases, copies of speeches, pamphlets, and educational materials.
6. Disclosure of such information would be extremely detrimental, and could be used in an anti-competitive fashion by competitors. Moreover, competitors at any level possessing such information would find it of great economic value in determining their own business plans, and in many cases, could use such information to structure their plans in such a way as to undercut the Petitioner and its parent company's competitive positions, or could otherwise materially affect both parties' abilities to compete effectively.
7. Due to the sensitive nature of this information, it is appropriate for the PUCO to limit access to such information. The confidential information being provided is for the use of the PUCO in exercising its governmental functions. There is no legitimate purpose to be served in disclosing this proprietary material to competitors, or to any person other than the appropriate PUCO staff members.

I hereby affirm that the foregoing is true and correct to the best of my knowledge.

  
Christos Karmis, President  
Mobilitie Management, LLC

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public

**CALIFORNIA JURAT WITH AFFIANT STATEMENT****GOVERNMENT CODE § 8202**

- ☒ See Attached Document (Notary to cross out lines 1-6 below)  
☐ See Statement Below (Lines 1-6 to be completed only by document signer[s], not Notary)

1  
2  
3  
4  
5  
6

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Orange

Subscribed and sworn to (or affirmed) before me

on this 1st day of April, 2016  
by Date Month Year(1) CHRISTOS KARMIS

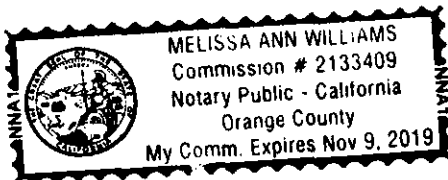
(and (2) \_\_\_\_\_),

Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence  
to be the person(s) who appeared before me.

Signature

Signature of Notary Public



Seal

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_ Document Date: \_\_\_\_\_

Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_



**Exhibit B**

**Documents Subject to Motion for Protective Order**

**SUBMITTED UNDER SEPARATE SEAL**