

FILE

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Annual Filing )  
Requirements for 2016 Pertaining )  
to the Provisioning of High Cost )  
Universal Service. )

Case No. 16-1115-TP-COI

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MOTION OF LITTLE MIAMI COMMUNICATIONS  
FOR PROTECTIVE ORDER  
AND MEMORANDUM IN SUPPORT

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2016 JUN 30 AM 10:40  
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June 30, 2016

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FOR PROTECTIVE ORDER**

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Pursuant to the provisions of Rule 4901-1-24(D), Ohio Administrative Code ("O.A.C."), Little Miami Communications ("Little Miami") respectfully requests that the Public Utilities Commission of Ohio ("Commission") issue a protective order to protect the confidentiality and prohibit the disclosure of the confidential information contained in its filing of the Federal Communications Commission's ("FCC") Form 481 which is being filed in a redacted form contemporaneously with the Commission in this proceeding. Confidential treatment is sought for the information that is blacklined within the FCC's Form 481. The redacted information is competitively sensitive and highly proprietary business information comprising trade secrets. The grounds for this Motion are set forth in the attached Memorandum in Support.

Respectfully submitted,



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**MEMORANDUM IN SUPPORT**

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Contemporaneous with this motion, Little Miami has filed material in an unredacted form under seal. By this motion, Little Miami requests confidential treatment for competitively sensitive and highly proprietary business information that constitutes trade secrets under Ohio law and the Commission's rules. State law recognizes the need to protect information that is confidential in nature. Accordingly, the General Assembly granted the Commission statutory authority to exempt certain documents from disclosure.<sup>1</sup> Pursuant to this statutory grant of authority, the Commission promulgated Rule 4901-1-24, O.A.C. Rule 4901-1-24(D), O.A.C., provides for the issuance of an order that is necessary to protect the confidentiality of information contained in documents filed at the Commission to the extent that state and federal law prohibit the release of such information and where non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code.

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<sup>1</sup> See Sections 4901.12 and 4905.07, Revised Code.

Trade secrets protected by state law are not considered public records and are therefore exempt from public disclosure.<sup>2</sup> A trade secret is defined by Section 1333.61(D), Revised Code, as follows:

"Trade secret" means information, including the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula, pattern, 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 (emphasis added).

The information contained within this material is competitively sensitive and highly proprietary business and financial information falling within the statutory characterization of a trade secret.<sup>3</sup> Public disclosure of the information would jeopardize Little Miami's business position and its ability to compete.

Non-disclosure of the information will not impair the purposes of Title 49 as the Commission and its Staff will have full access to the confidential information in order to complete its review process. Because Little Miami's information constitutes a trade secret, it should be accorded protected status.

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<sup>2</sup> Section 149.43(A)(1)(v), Revised Code; *State ex rel. The Plain Dealer v. Ohio Dept. of Insurance*, 80 Ohio St. 3d 513, 530 (1997).

<sup>3</sup> Section 1333.61(D), Revised Code.

WHEREFORE, Little Miami Communications respectfully requests that this Motion for Protective Order be granted for the reasons set forth herein.

Respectfully submitted,



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