

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE ANNUAL FILING
REQUIREMENTS FOR 2015 PERTAINING TO
THE PROVISIONING OF LIFELINE UNIVERSAL
SERVICE.

CASE NO. 15-1116-TP-COI

ENTRY

Entered in the Journal on December 19, 2017

{¶ 1} Pursuant to the attorney examiner Entry of May 20, 2015, all eligible telecommunications carriers (ETCs), to the extent applicable, were directed to file with the Federal Communications Commission (FCC) a report by July 1, 2015, consistent with 47 C.F.R. 54.422. Additionally, all ETCs were directed docket in this case all responses provided to the FCC.

{¶ 2} Beginning on June 26, 2015, through July 1, 2015, ETCs filed information consistent with the Entry of May 20, 2015. A number of responding companies submitted redacted filings accompanied by motions for protective treatment.

{¶ 3} On June 26, 2015, Minford Telephone Company (Minford) filed a motion for a protective order for the purpose of protecting the confidentiality of certain information contained in its FCC Form 481. Specifically, confidential treatment is sought for the "Five Year Service Quality Improvement Plan-Progress Report," the "Universal Service Support Summary," and financial information contained within the FCC Form 481. In support of its request, Minford states that the material includes competitively sensitive and highly proprietary business information comprising trade secrets and that public disclosure of the information will jeopardize its business position and its ability to compete.

{¶ 4} On June 29, 2015, Arcadia Telephone Company, Continental of Ohio, Little Miami Communications, Middle Point Home Telephone Company, Oakwood Telephone Company, Telephone Service Company, and Vanlue Telephone Company each filed a motion seeking protective treatment of information contained in its respective filing of the FCC Form 481 inasmuch as the filing includes competitively sensitive and highly proprietary business and financial information that constitute trade secrets.

{¶ 5} On June 30, 2015, Frontier North, Inc. and Frontier Communications of Michigan, Inc. (Frontier) jointly filed a motion for a protective order to protect the confidentiality and prohibit the disclosure of confidential information contained in its FCC Form 481. According to Frontier, the confidential information pertains to voice outage information, unfulfilled broadband service request information, and publicly unavailable information related to broadband pricing filed confidentially with the FCC. Frontier contends that public disclosure of this information would unfairly benefit its competitors.

{¶ 6} On June 30, 2015, Arthur Mutual Telephone Company, Ayersville Telephone Company, Bascom Mutual Telephone Company, Benton Ridge Telephone Company, Buckland Telephone Company, Champaign Telephone Company, Columbus Grove Telephone Company, Conneaut Telephone Company, Farmers Mutual Telephone Company, Fort Jennings Telephone Company, Germantown Independent Telephone Company, Glandorf Telephone Company, Kalida Telephone Company, Inc., McClure Telephone Company, New Knoxville Telephone Company, Orwell Telephone Company, Ottoville Mutual Telephone Company, Pattersonville Telephone Company, Ridgeville Telephone Company, Sherwood Mutual Telephone Company, Sycamore Telephone Company, Vaughnsville Telephone Company, Wabash Mutual Telephone Company, Windstream Ohio, Inc., and Windstream Western Reserve, Inc., (collectively, “LECs”) filed a joint motion seeking protective treatment of certain portions of their respective 2015 FCC Form 481 filings. The confidential information includes financial and operational information filed confidentially with the FCC as part of the LECs’ respective FCC Form 481 filings and local rate floor data filings. The financial information includes all or part of the LECs’ respective financial statements. The operational information includes five-year broadband facility build-out plans, loop count, pricing strategies, and service quality issues. In support of the joint motion, LECs submit that the information constitutes each of their confidential trade secret information and that disclosure of the information will impair the LECs’ ability to respond to competitive opportunities in the marketplace, and would provide competitors with an unfair competitive advantage.

{¶ 7} On July 1, 2015, CenturyTel of Ohio, Inc., dba CenturyLink and United Telephone Company of Ohio dba CenturyLink (jointly, CenturyLink) filed a motion for protective treatment to protect information contained in its FCC Form 481 filing. The information for which protective treatment is sought pertains to the download and upload broadband speeds by exchange. CenturyLink contends that this information is a trade secret and is deserving of protection inasmuch as public disclosure will provide competitors with information that can be used to analyze CenturyLink's operations and target areas for market entry or market strategies targeted to specific geographic areas.

{¶ 8} The attorney examiner has reviewed the arguments presented and the information included in the motions for protective treatment. Applying the requirements that the information have independent economic value and be the subject of reasonable efforts to maintain its secrecy pursuant to R. C. 1333.61(D), as well as the six-factor test set forth by the Ohio Supreme Court,¹ the attorney examiner finds that the subject operational and financial information constitutes trade secret information. Its release is, therefore, prohibited under state law. The attorney examiner also finds that nondisclosure of this information is not inconsistent with the purposes of Title 49 of the Revised Code. Finally, the attorney examiner concludes that these documents could not be reasonably redacted to remove the confidential information contained therein. Therefore, the attorney examiner determines that the motions for protective treatment should be granted due to the proprietary nature of the relevant information. The protective orders should be granted for a period of twenty-four months from the date of this Entry.

{¶ 9} Although a party may, pursuant to Ohio Adm.Code 4901-1-24, seek an extension of a protective order, the requesting entity must demonstrate the need for the specific time frame requested. Following the end of the aforementioned two-year period, the Companies are directed to perform an evaluation in order to determine whether the protected information continues to require protective treatment.

¹ See *State ex rel. The Plain Dealer v. Ohio Dept. of Ins.*, 80 Ohio St.3d 513, 524-525, 687 N.E.2d 661 (1997).

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That the motions for protective treatment be granted and the docketing division maintain the designated information under seal in accordance with Paragraph 8. It is, further,

{¶ 12} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Jay Agranoff

By: Jay S. Agranoff
Attorney Examiner

JRJ/sc

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Case No(s). 15-1116-TP-COI

Summary: Attorney Examiner Entry granting motions for protective treatment and the docketing division is to maintain the designated information under seal in accordance with Paragraph 8. - electronically filed by Sandra Coffey on behalf of Jay Agranoff, Attorney Examiner, Public Utilities Commission of Ohio