

Before the Public Utilities Commission of Ohio

In the Matter of the Application of Bascom Mutual)
Telephone Company to Provide Telecommunications) Case No. 21-0014-TP-ACE
Services Outside its Current Territory)

Motion of Bascom Mutual Telephone Company for a Protective Order

January 5, 2021

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Under Rule 4901-1-24, Ohio Administrative Code, Bascom Mutual Telephone Company moves for a Protective Order to protect financial information supplied by the applicant in support of its application. The reasons supporting this motion are set out in the accompanying Memorandum in Support.

Respectfully submitted,

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Memorandum in Support of the Motion of Bascom Mutual Telephone Company for a Protective Order

Bascom Mutual Telephone Company has filed an application for certification to provide telecommunications services in areas for which it successfully bid to provide broadband services under an auction conducted by the FCC. As part of the application, it is providing audited financial statements which it deems to be confidential material because the information is a trade secret. For this reason, Bascom respectfully requests that the financial information remain under seal under a protective order.

State law recognizes the need to protect information that is confidential. R.C. 4901.12 and 4905.07. Applying this authority, Commission Rule 4901-1-24(D) provides that the Commission may issue a protective order on a motion showing that the information contained in documents filed at the Commission if federal or state law prohibits 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.

Trade secrets protected by state law are not considered public records and are exempt from public disclosure. R.C. 149.43. Trade secrets include business information such as plans and financial information that derive independent economic value, either actual or potential, from not being known to or being readily ascertainable by proper means by other persons that can obtain economic value from its disclosure and that is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. R.C. 1333.61(D).

An application for carrier certification requires the applicant to provide financial information. In support of its application, Bascom submitted Exhibit E-1 under seal. That Exhibit contains financial information of Bascom. The financial information is confidential

business information that is valuable to Bascom and its owners and derives value because it remains confidential. Accordingly, the information in Exhibit E-1 falls within the statutory characterization of a trade secret.

The non-disclosure of the financial 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 issuance of the order would be lawful and reasonable, the Commission should grant the motion for a protective order.

Respectfully submitted,

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Certificate of Service

I certify that a copy of this Motion of Bascom Mutual Telephone Company for a Protective Order was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on January 5, 2021.

/s/ Frank P. Darr

Frank P. Darr

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Case No(s). 21-0014-TP-ACE

Summary: Motion Motion for Protective Order electronically filed by Frank P. Darr on behalf of Bascom Mutual Telephone Company