

**Before the  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Application of	)	
	)	
<b>Little Miami Gig LLC</b>	)	<b>Case No. 21-1197-TP-ACE</b>
	)	
for a Certificate To Provide Competitive	)	
Telecommunications Services Throughout	)	
the State of Ohio	)	

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**MOTION FOR PROTECTIVE ORDER  
AND MEMORANDUM IN SUPPORT THEREOF**

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Pursuant to Rule 4901-1-24(D) of the Ohio Administrative Code, Little Miami Gig LLC (“LM Gig”) respectfully moves for a protective order to keep its actual and pro forma financial statements (“Financial Statements”) and corporate ownership structure (“Corporate Structure”) confidential and not part of the public record of this proceeding. The financial statements and corporate structure are being filed as part of LM Gig’s Application for a Certificate to Provide Competitive Telecommunications Services Throughout the State of Ohio. The reasons underlying this Motion are outlined in the attached Memorandum in Support.

Respectfully submitted,

/s/ William J. Beckley  
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**MEMORANDUM IN SUPPORT OF MOTION FOR PROTECTIVE ORDER**

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As part of the Application of Little Miami Gig LLC for a Certificate to Provide Competitive Telecommunications Services Throughout the State of Ohio (“Application”), Little Miami Gig LLC (“LM Gig”) is filing its confidential actual and pro forma financial statements (“Financial Statements”) and confidential corporate ownership structure (“Ownership Structure”) under seal. The Financial Statements contain proprietary, sensitive, commercial, and financial information that is not publicly available and which, if released, could be used by competitors of LM Gig to cause competitive harm.

Under Rule 4901-1-24(D) of the Ohio Administrative Code, the Public Utilities Commission of Ohio (“Commission”) has the authority to issue:

any order which is necessary to protect the confidentiality of information contained in the document, to the extent that state or federal law prohibits release of the information, including where the information is deemed by the commission, the legal director, the deputy legal director, or the attorney examiner to constitute a trade secret under Ohio law, and where nondisclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code.

The non-disclosure of LM Gig’s Financial Statements and Ownership Structure is consistent with Rule 4901-1-24(D). All necessary Commission and Staff members will have

access to the information and will thus be able to fulfill their statutory obligations. The Financial Statements and Ownership Structure should solely be used by the Commission in exercising its governmental functions in considering LM Gig's Application. There is no legitimate purpose or public interest to be served in disclosing the Financial Statements or Ownership Structure to LM Gig's current or future competitors or to any person other than the appropriate Commission Staff. Protection of the Financial Statements and Ownership Structure does not affect the public interest and does not restrict interested parties from participating in the administrative process. Furthermore, the harm that would result to LM Gig from disclosure of the Financial Statements and Ownership Structure far outweighs the public interest in accessing this information.

The Commission has previously recognized the need for trade secret information to be kept out of the public record. Section 1333.61(D) of the Ohio Revised Code defines “trade secret” as:

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.

The Ohio Supreme Court has adopted the following six-prong test explicating how to decide whether information is a trade secret under Section 1333.61(D):

(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.

*State ex rel. The Plain Dealer et al v. Ohio Dep't of Ins.*, 80 Ohio St. 3d 513, 524, 687 N.E.2d  
661, 672 (Ohio 1997).

LM Gig's Financial Statements and Ownership Structure meet the statutory requirements as interpreted by the Plain Dealer case. LM Gig is privately-held corporation. As such, LM Gig is not required to file its Financial Statements or Ownership Structure publicly with the United States Securities and Exchange Commission. LM Gig has not otherwise disclosed these Financial Statements or Ownership Structure to the public, and only limited LM Gig personnel have access to the Financial Statements. LM Gig seeks confidential treatment for its Financial Statements and Ownership Structure each and every time it is required to produce them in a regulatory proceeding such as this one. Because LM Gig is operating in highly competitive markets for certain telecommunications and related services, public disclosure of its financial condition and corporate ownership structure would adversely disadvantage LM Gig. Moreover, release of this information to the public could cause undue economic damage and substantially harm LM Gig's ability to compete in the marketplace in Ohio and nationwide. The Financial Statements and Ownership Structure provided here under seal meet the standard detailed above and a protective order should therefore be granted.

WHEREFORE, LM Gig respectfully requests the Commission grant a protective order for its confidential Financial Statements and Ownership Structure and not make that information available to the public.

Respectfully submitted,

/s/ William J. Beckley

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Summary: Motion Motion for Protective Order for Exhibits H1 through H4 and J1  
and J2. electronically filed by Mr. William J Beckley on behalf of Little Miami Gig  
LLC