

**Before the
PUBLIC UTILITIES COMMISSION OF OHIO**

Application of)	
)	
GigaCom LLC)	Case No. 22-0102-TP-ACE
)	
For a Certificate to Provide)	
Telecommunications Services)	
Throughout the State of Ohio)	

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

Pursuant to Rule 4901-1-24(D) of the Ohio Administrative Code, GigaCom LLC (“GigaCom”) respectfully moves for a protective order to prevent public disclosure of the confidential and proprietary financial statements of its parent company and the list of its directors and officers included as CONFIDENTIAL Exhibits A-1, E, and F-1, respectively. The organizational chart, financial statements, and list of directors and officers are being filed as part of GigaCom’s Application for a Certificate to Provide Telecommunications Services Throughout the State of Ohio. The reasons underlying this Motion are outlined in the attached Memorandum in support.

Respectfully submitted,

/s/ Daniel J. Smith

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**Before the
PUBLIC UTILITIES COMMISSION OF OHIO**

Application of)	
)	
GigaCom LLC)	Case No. 22-01020-TP-ACE
)	
For a Certificate to Provide)	
Telecommunications Services)	
Throughout the State of Ohio)	

MEMORANDUM IN SUPPORT OF MOTION FOR PROTECTIVE ORDER

As part of the Application of GigaCom LLC for a Certificate to Provide Telecommunications Services Throughout the State of Ohio (“Application”), GigaCom LLC (“GigaCom”) is seeking confidential treatment for its corporate organizational chart, financial statements, and the list of its directors and officers, marked as CONFIDENTIAL Exhibits A-1, E, and F-1, respectively (collectively, “Confidential Exhibits”). These Confidential Exhibits have been filed under seal with the Commission. In support of this Memorandum, GigaCom states as follows:

1. GigaCom is applying for a certificate to provide telecommunications services throughout the State of Ohio.
2. As part of its Application, GigaCom is submitting as CONFIDENTIAL Exhibit E, the financial information for GigaCom’s parent company. GigaCom’s parent is the entity ultimately responsible for the GigaCom’s financing. Because GigaCom, and its parent, are privately held companies, the financial information contained in CONFIDENTIAL Exhibit E has not been publicly filed or otherwise disclosed to the public.
3. Pursuant to Rule 4901:1-6-08(E)(7), and in further support of its Application, GigaCom is submitting as CONFIDENTIAL EXHIBIT A-1 a corporate organizational chart and as CONFIDENTIAL Exhibit F-1 a list of its directors and officers, and the qualifications and

backgrounds for each. Both CONFIDENTIAL Exhibits A-1 and F-1 contain proprietary operational information for GigaCom. GigaCom is a privately-held company, and the organizational structure of its corporate parent, as well as the identity of its officers and directors, are private in nature, disclosure of which would damage its business.

4. GigaCom uses its best efforts to keep and maintain the confidentiality of the Confidential Exhibits. To the best of GigaCom's knowledge, the Confidential Exhibits have not been disclosed or released to the public.

5. 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.

Ohio Admin. Code 4901-1-24(D).

6. Trade secrets are defined under Section 1333.61(D) of the Ohio Revised Code 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.

Ohio Rev. Code § 1333.61(D)(1)–(2).

7. The Confidential Exhibits meet the criteria of a trade secret. Specifically, the Confidential Exhibits contain extremely sensitive financial, identifying, operational, and

proprietary information that could be used by competitors to gain insight into the internal business operations of the Applicant and other information damaging to the Applicant.

8. Due to their sensitive nature, the non-disclosure of the Confidential Exhibits 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 corporate organizational chart, financial statements, and list of directors and officers should solely be used by the Commission in exercising its governmental functions in considering the Application. There is no legitimate purpose or public interest to be served in disclosing the Confidential Exhibits to GigaCom's current or future competitors or to any person other than the appropriate Staff of the Commission. Protection of the corporate organizational chart, financial statements, and the list of directors and officers 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 GigaCom from disclosure of the corporate organizational chart, financial statements, and list of its directors and officers far outweighs the public interest in accessing this information.

WHEREFORE, GigaCom respectfully requests that the Commission issue a Protective Order allowing CONFIDENTIAL Exhibit A-1, CONFIDENTIAL Exhibit E, and CONFIDENTIAL Exhibit F-1 to be treated as confidential, and for such further relief as is appropriate.

Respectfully Submitted,

GIGACOM LLC

By: /s/ Daniel J. Smith
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Summary: Motion GigaCom LLC Motion for Protective Order and Memorandum in
Support Thereof electronically filed by Mr. Daniel J. Smith on behalf of GigaCom
LLC