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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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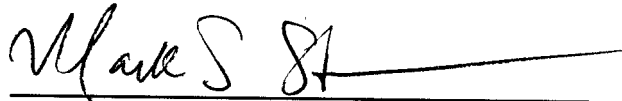
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In the Matter of the Complaint)
of ICG Telecom Group, Inc.)
Against Ameritech Ohio Regarding) Case No. 97-1557-TP-CSS
The Payment of Reciprocal Compensation)

AMERITECH OHIO'S MOTION FOR PROTECTIVE ORDER

Ameritech Ohio, pursuant to O.A.C. 4901-1-24(D), respectfully moves for an Order protecting the confidentiality of the confidential and proprietary information contained within the testimony and exhibits to the testimony of Eric L. Panfil and Suzanne J. Springsteen. The reasons necessitating this Motion are set forth in the attached Memorandum in Support.

Respectfully submitted,



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MEMORANDUM IN SUPPORT

I. INTRODUCTION

This Motion for Protective Order corresponds to Ameritech Ohio's contemporaneous filing of its direct testimony in the above-captioned docket. As part of its testimony, Ameritech Ohio has submitted the direct testimony of Eric J. Panfil and Suzanne J. Springsteen which contains proprietary and confidential cost, revenue, customer, and MOU information of both ICG and Ameritech Ohio. For the reasons set forth below, consistent with the Commission's Guidelines for protecting from disclosure such data, Ameritech Ohio requests that the information contained in the confidential exhibits remain redacted from the public record and designated as confidential and protected from public disclosure. Only the specific confidential information has been redacted. The balance of the testimony have been filed publicly. To the extent the Commission requires clarification as to the need to maintain specific documentation under seal, Ameritech Ohio respectfully requests an opportunity to provide further information and explanation before any decision to release the data to the public docket is reached.

II. DISCUSSION

Rule 4901:1-24(D) provides that the Commission or designated employees may issue an Order which is necessary to protect the confidentiality of information contained in documents filed with the Commission to the extent that state or federal law prohibits the release of the information, such as a trade secret, and where non-disclosure of the information is not

inconsistent with the purposes of Title 49 of the Revised Code. Both of these prerequisites to the issuance of a protective order clearly are met in this instance.

A "trade secret," as referenced in Rule 4901:1-24(D), is defined in O.R.C. 1333.61(D) to include "any business information or plan, financial information, . . . that satisfies both 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.

O.R.C. 1333.61(D). The confidential business information of ICG and Ameritech Ohio reflected in Mr. Panfil's testimony and Exhibit 5 thereto and in Ms. Springsteen's testimony and two Exhibits thereto easily satisfies both criteria for a trade secret under Ohio law. Ameritech maintains the confidentiality of cost, customer and business information and assumes ICG does likewise.

With respect to the second requirement in Rule 4901-1-24(D), a decision by the Commission to protect the confidentiality of this information would not be inconsistent with the purposes of O.R.C. Title 49. O.R.C. §§4901.12 and 4905.07 provide for disclosure of public records in accordance with O.R.C. §149.43. However, subsection (A)(1) of §149.43 specifically exempts trade secrets protected from disclosure by state or federal law from classification as public records information. Protecting this information would also facilitate the resolution of complaint cases.

III. CONCLUSION

For the reasons stated above, Ameritech Ohio respectfully submits that its Motion for Protective Order should be granted forthwith.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of Ameritech Ohio's Answer and Defenses to the Complaint was served upon Boyd Ferris, counsel for ICG Telecom Group, Inc., Muldoon and Ferris, 2733 West Dublin-Granville Rd., Columbus, OH 43235, this 10th day of February, 1998, by overnight mail.


Mark S. Stemm