

# **Budget Phone** INC.

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**FILED<sup>3</sup>**

SEP 23 2005

Missouri Public  
Service Commission

Colleen Dale, Commission Secretary  
Missouri Public Service Commission  
P. O. Box 360  
200 Madison Street  
Jefferson City, MO 35102-0360

September 21, 2005


Subject: Case No. CO-2006-0085 – Petition of Budget Phone, Inc. for designation as an eligible telecommunications carrier (ETC) pursuant to 47 U.S.C. 214(e).

Dear Ms. Dale:

Please find enclosed for filing with the Commission the original and two (2) copies of Budget Phone, Inc.'s Motion for Protective Order in reference to Exhibit B of the above stated Case.

Please date and time stamp the extra copy as proof of filing and return it in the enclosed self addressed stamped envelope. Please refer any questions to Budget Phone, Inc. at P.O. Box 19360, Shreveport, LA., 71129 or telephone at (318) 671-5736.

Sincerely,



Faith M. Golding  
Regulatory & Revenue Assurance  
Budget Phone, Inc

Enclosures

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>3</sup>

SEP 23 2005

In Re: Petition of )  
Budget Phone, Inc )  
For Designation as an Eligible )  
Telecommunications Carrier )

Missouri Public  
Service Commission

Case No. CO-2006-0085

MOTION FOR PROTECTIVE ORDER

Budget Phone, Inc. (hereinafter "Applicant"), pursuant to Chapter 392 of the Missouri Revised Statutes and the Commission's Rules of Practice and Procedure, hereby moves the Missouri Public Service Commission (the "Commission") for a protective order of non-disclosure precluding public disclosure of certain proprietary, confidential information, to be filed in connection with Applicant's Petition for Designation as an Eligible Telecommunications Carrier (the "Application") filed with the Commission in the above-referenced case. In support of its Motion, Applicant provides the following information:

1. The information that Applicant seeks to protect is the financial information submitted as Exhibit B to its Application (the "Protected Information"). The Protected Information consists of Financial Statements for Budget Phone, Inc., a privately held company, which is not subject to public reporting requirements. Exhibit B was attached to the Application without the Protected Information and is marked with the words "PROPRIETARY INFORMATION" in large letters. A copy of the Protected Information is attached hereto.

2. Applicant respectfully requests that the Protected Information be subject to a protective order of non-disclosure under Commission Rules of Practice and Procedure; that the Protected Information (and any reproduction or copying of any part thereof) be restricted to counsel, and other agents or employees, who have been specifically assigned to this proceeding by the Commission; that the Protected Information be used solely in connection with this proceeding; that the Protected Information used in depositions, prepared testimony or other similar uses will be redacted and submitted under seal; that all Protected Information should be marked "CONFIDENTIAL, SUBJECT TO PROTECTIVE ORDER"; that neither the filing of the Protected Information in this proceeding, nor the furnishing of the Protected Information for review by the General Staff of the Commission ("Staff") shall be considered a waiver of any right to object upon any ground to the use of introduction into evidence during any proceeding of any Protected Information; and that not later than thirty (30) days following the conclusion of this proceeding by issuance of a final, non-appealable order of this Commission, all Protected Information designed as "CONFIDENTIAL, SUBJECT TO PROTECTIVE ORDER" including all copies in whole or in part thereof, should be returned to Applicant.

3. As grounds for this motion, Applicant states:

(a) The Protected Information is not known outside of Applicant.

(b) The Protected Information is not disseminated within Applicant and is known only by those of Applicant's employees who have a legitimate business need to know and act upon the information.

(c) Applicant has maintained and seeks to preserve the confidentiality of the Protected Information through all appropriate means including the maintenance of appropriate security as its offices, and the filing of this motion.

(d) The disclosure of this Protected Information would cause material damage to the competitive and financial position of Applicant in that it would provide Applicant's competitors with sensitive data respecting to Applicant's sales, customer usage, and financing strategies.

(e) By granting Applicant's motion, there will be no damage to any public interest in disclosure. In fact, the public will be best served by non-disclosure of the Protected Information.

WHEREFORE, Budget Phone, Inc. requests that the Commission enter an order granting Applicant's motion for protective order of non-disclosure permitting Applicant and requiring Staff to treat the Protected Information in the manner described herein.

Respectfully submitted,  
Budget Phone, Inc.

By: Faith M. Golding  
Faith M. Golding

Dated: 9/21/05