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October 7, 2003

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FILED

OCT 07 2003

**Missouri Public
Service Commission**

The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360

Re: KMC Telecom V, Inc.
Application for Basic Local Exchange Services

Dear Judge Roberts:

Enclosed for filing on behalf of KMC Telecom V, Inc. please find the original and five copies of an Application for Expansion of Certificate of Service Authority and a Motion for Protective Order. The company's financial statements are attached as Exhibit C to the application and are being filed under seal.

Would you please bring this filing to the attention of the appropriate Commission personnel.

Thank you for your attention to this matter.

Sincerely,

NEWMAN, COMLEY & RUTH, P.C.

By:

Mark W. Comley
comleym@ncrpc.com

MWC:ab
Enclosure

cc: Office of Public Counsel
General Counsel's Office
Brad E. Mutschelknaus

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

OCT 07 2003

Missouri Public
Service Commission

In the Matter of the Application of)

KMC TELECOM V, INC.)

To Expand its Telecommunications)
Authority in Missouri to Include)
Competitive Resold and Facilities-Based)
Basic Local Exchange Services)

Case No. _____

MOTION FOR PROTECTIVE ORDER

INTRODUCTION

KMC Telecom V, Inc. ("KMC V" or "Movant"), by its attorneys and pursuant to MO. CODE REGS. ANN. tit. 4 § 240-2.085 hereby files this Motion for a Protective Order ("Motion") in the above-captioned proceedings. KMC V submits this Motion for the purpose of seeking the confidential treatment of certain commercially-sensitive financial information, which has been appended as *Exhibit C* to its Application to Expand its Telecommunications Authority in Missouri to Include Competitive Resold and Facilities-Based Local Exchange Services. Because the instant Motion is an inseparable part of this Application, it is being filed concurrently with the Application.

In support of this Motion, KMC V states the following:

I. DESCRIPTION OF CONFIDENTIAL INFORMATION

1. MO. REV. STAT. §§ 392.455(1) requires the Missouri Public Service Commission ("Commission") to grant certificates to applicants to provide telecommunications service on a

common carrier basis provided that such applicants demonstrate that they possess sufficient financial resources and abilities to provide the telecommunications services requested in their applications. In conformity with these rules, KMC V has appended to the above-referenced Applications as *Exhibit C* a copy of the Company's financial statements, which consist of a balance sheet, a cash flow statement, and a profit and loss statement.

II. GROUND FOR CLAIM OF PROTECTIVE TREATMENT

2. KMC V seeks to protect the information contained in *Exhibit C* because its financial statements contain highly-confidential and strictly-proprietary information, the public disclosure of which potentially may result in direct and immediate harm to the competitive position of KMC V in Missouri and elsewhere.

3. Because Company's financial statements contain confidential and commercially-sensitive information from which its competitors may derive economic value, KMC V actively seeks to protect such material from public disclosure. KMC V derives independent economic value from the fact that significant, detailed and proprietary information regarding the Company's financial structure and current financing activities is unknown to its competitors. Given this fact, the disclosure of this information could provide existing and potential competitors, including competitive local exchange carriers ("CLECs"), incumbent local exchange carriers ("ILECs"), independent local exchange carriers, and interexchange carriers ("IXCs") in Missouri, as well as in other states in which KMC V provides or intends to provide telecommunication services, with an unfair and undeserved competitive advantage over KMC V and its affiliates.

4. KMC V is a privately-held corporation presently immune from a legal obligation to prepare or submit financial statements to any public entity. As such, the financial statements set forth in the *Exhibit C* to KMC V's Applications are not readily ascertainable by persons

external to the Company, and none of the information for which this claim of confidentiality is made may be found in any format in any other public document.

III. PERIOD OF NONDISCLOSURE

5. KMC V requests that the material contained in *Exhibit C* to KMC V's Applications be held confidential for a minimum of three (3) years.

CONCLUSION

6. The information for which confidential treatment is sought in this Application is both private and competitively-sensitive. The direct harm that could be caused to KMC V as a result of any such disclosure is real and not speculative. Moreover, to date, no other jurisdiction or governmental agency has required KMC V to make its financial statements available to the public. For all of these reasons, KMC V's financial statements should be protected from public disclosure.

WHEREFORE, KMC Telecom V, Inc. respectfully requests that the Commission grant its Motion for Protective Order with respect to *Exhibit C* of its Application to Expand its Telecommunications Authority in Missouri to Include Competitive Resold and Facilities-Based Local Exchange Services.

Respectfully submitted,

KMC TELECOM V, INC.

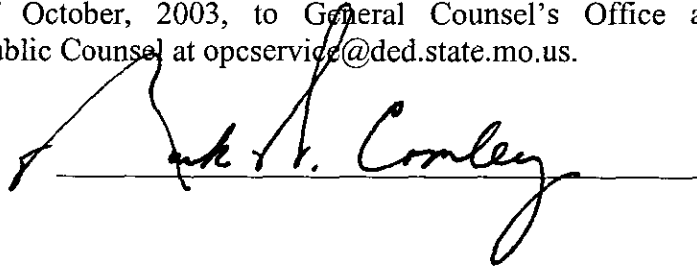
By: 

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Its Attorneys

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 7th day of October, 2003, to General Counsel's Office at gencounsel@psc.state.mo.us; Office of Public Counsel at opcservice@ded.state.mo.us.

A handwritten signature in black ink, reading "Mark A. Comley", is written over a horizontal line. The signature is cursive and stylized, with the first name "Mark" and last name "Comley" clearly legible.