

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED⁴
SEP 20 2002
Missouri Public
Service Commission

In the Matter of the Application of)
BullsEye Telecom, Inc.)
for a Certificate of Service Authority)
to provide Basic)
Local Telecommunications)
Service in portions of the State of Missouri)
and for Competitive Classification)

Case No. _____

MOTION FOR PROTECTIVE ORDER

INTRODUCTION

BullsEye Telecom, Inc. (“BullsEye”, “Movant” or “Company”), by its attorneys and pursuant to 4 CSR 240-2.085, hereby files this Motion for a Protective Order (“Motion”) in the above-captioned proceedings. BullsEye 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 for a Certificate of Service Authority to Provide Basic Local Telecommunications Services in portions of the State of Missouri and for Competitive Classification (“Application”). Because the instant Motion is an inseparable part of the Application, it is being filed concurrently with BullsEye’s Local Exchange Application.

In support of this Motion, BullsEye 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 new entrants to provide basic 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, BullsEye has appended to the above-referenced Application as *Exhibit C* a copy of the Company’s current audited financial statements.

II. GROUNDS FOR CLAIM OF PROTECTIVE TREATMENT

2. BullsEye 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 BullsEye in Missouri and elsewhere.

3. Because Company’s financial statements contain confidential and commercially-sensitive information from which its competitors may derive economic value, BullsEye actively seeks to protect such material from public disclosure. BullsEye 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 BullsEye provides or intends to provide telecommunication services, with an unfair and undeserved competitive advantage over BullsEye.

4. BullsEye is a privately-held company presently immune from a legal obligation to prepare or submit financial information to any public entity. As such, the financial statements set forth in *Exhibit C* to BullsEye's Application 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. BullsEye requests that the material contained in *Exhibit C* to BullsEye's Application be held confidential for a minimum of three (3) years.

CONCLUSION

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

WHEREFORE, BullsEye Telecom, Inc. respectfully requests that the Commission grant its Motion for Protective Order with respect to *Exhibit C* of its Application for a Certificate of Service Authority to Provide Basic Local Telecommunications Services in portions of the State of Missouri and for Competitive Classification.

Respectfully submitted,

ATTORNEY FOR APPLICANT
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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered or mailed, postage prepaid, this 20th day of September 2002, to:

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Dan Joyce, General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

