

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	
)	
LMDS HOLDINGS, INC.)	Case No. TA-2006-0267
)	
for a Certificate of Service Authority to Provide)	
Competitive Intrastate Basic and Non-switched)	
Local Exchange and)	
Interexchange Telecommunications Services)	

MOTION FOR PROTECTIVE ORDER

Comes now LMDS Holdings, Inc. (“Holdings” or “Applicant” or “Company”) by its undersigned counsel, and pursuant to 4 CSR § 240-2.085 hereby files this Motion for Protective Order (“Motion”) in the above-captioned proceeding. Holdings submits this Motion for the purpose of seeking the confidential treatment of certain commercially-sensitive financial information which is filed together with this Motion under confidential seal and which is further referred to as *Exhibit D* to Company’s Application for a Certificate of Service Authority to Provide Competitive Intrastate Basic and Non-switched Local Exchange and Interexchange Telecommunications Services Within the State of Missouri (“Application”).

In support of this Motion, Company states the following:

I. Description of Confidential Information

1. To demonstrate its financial ability to provide interexchange and basic and non-switched local telecommunications services, Holdings submits its projected financial statements. The information which Holdings seeks to have filed under seal contains: (1) Projected Statements

of Income; and (2) Projected Balance Sheets for the first five years of Applicant's operations. These documents are specifically referred to as *Exhibit D* to Holdings' Application.

II. Grounds for Claim of Protective Treatment

2. Holdings seeks to protect the information contained in *Exhibit D* because its projected financial statements contain confidential and proprietary information, the public disclosure of which potentially may result in direct and immediate harm to the competitive position of Holdings in Missouri and elsewhere.

3. Because the Company's projected financial statements contain confidential and commercially-sensitive information from which its competitors may derive economic value, Holdings actively seeks to protect such material from public disclosure. Holdings derives independent economic value from the fact that significant 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 local exchange and interexchange carriers in Missouri, as well as in other states in which Holdings provides or intends to provide telecommunications services, with an unfair and undeserved competitive advantage over the Company.

4. The projected financial statements set forth in *Exhibit D* to the 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. Conclusion

5. 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 Holdings as a result of any such disclosure is real and not speculative. For all of these reasons, Company's projected financial statements should be protected from public disclosure.

6. Holdings requests that the Commission issue its standard protective order (a copy of which is submitted herewith) and treat *Exhibit D* as proprietary under the provisions of that order, in that it contains information concerning confidential and private financial and business information.

WHEREFORE, Holdings respectfully requests that the Commission grant its Motion for Protective Order with respect to *Exhibit D* of its Application for a Certificate of Service Authority by issuing its standard protective order and treating *Exhibit D* as proprietary thereunder.

Respectfully submitted,

/s/ Carl J. Lumley

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CERTIFICATE OF SERVICE

A true and correct copy of the foregoing document was either e-mailed, faxed or mailed this 20th day of December, 2005 to the persons on the attached list.

/s/ Carl J. Lumley

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