

BEFORE THE PUBLIC SERVICE
COMMISSION OF THE STATE OF MISSOURI

FILED²
JUN 19 2000

Missouri Public
Service Commission

In the Matter of the Application of)
)
Cypress Communications Operating Company, Inc.)
)
for a Certificate of Service Authority to Provide)
Basic Local Telecommunications Services)
Throughout the State of Missouri and to Classify)
Said Services and the Company as Competitive.)

Case No. TA-2000-829

MOTION FOR PROTECTIVE ORDER

INTRODUCTION

Cypress Communications Operating Company, Inc. ("Cypress" or "Movant"), 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. Cypress submits this Motion for the purpose of seeking the confidential treatment of certain commercially-sensitive financial information which is further referred to as a portion of *Exhibit 2* comprising Movant's financial statements for the period ended April 30, 2000 and which is filed under confidential seal with its Application for a Certificate of Service Authority to Provide Basic Local Telecommunications Services Throughout the State of Missouri ("Basic Application").

In support of this Motion, Cypress states the following:

I. DESCRIPTION OF CONFIDENTIAL INFORMATION

1. To demonstrate its financial ability to provide basic local telecommunications services, Cypress is prepared to offer a copy of the Company's financial statements for the period

ended April 30, 2000. These documents are specifically referred to as the portion of *Exhibit 2* comprising Movant's financial statements for the period ended April 30, 2000 to the Basic Application.

II. GROUND FOR CLAIM OF PROTECTIVE TREATMENT

2. Cypress seeks to protect the information contained in the above-referenced portion of *Exhibit 2* 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 Cypress in Missouri and elsewhere.

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

4. Cypress 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 above-referenced portion of *Exhibit 2* to Cypress' 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 Cypress as a result of any such disclosure is real and not speculative. Moreover, to date, no other jurisdiction or governmental agency has required Cypress to make its financial statements available to the public. For all of these reasons, Cypress' financial statements should be protected from public disclosure.

WHEREFORE, Cypress Communications Operating Company, Inc. respectfully requests that the Commission grant its Motion for Protective Order with respect to the portion of *Exhibit 2* comprising its financial statements for the period ended April 30, 2000 which is attached under confidential seal to its Application for a Certificate of Service Authority to Provide Basic Local Telecommunications Services Throughout the State of Missouri.

Respectfully submitted,



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Counsel for Cypress Communications
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was hand delivered to Office of Public Counsel and General Counsel, 19th day of June, 2000.

Cathleen A. Martin