

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

MAY 4 2000

In the matter of the)
application)
of U.S. TelePacific Corp.)
d/b/a TelePacific Communications))
for a certificate of)
service authority)
to provide interexchange)
telecommunications services)

Missouri Public
Service Commission

Case No. TA-2000-731

MOTION FOR PROTECTIVE ORDER

U.S. TelePacific Corp. d/b/a TelePacific Communications (hereinafter "Applicant"), by its attorney and 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 Application for a Certificate of Service Authority to provide interexchange telecommunications services within the State of Missouri (the "Application") filed with the Commission on this date. In support of its Motion, Applicant provides the following information:

1. The information that Applicant seeks to protect is the financial information to be submitted as Exhibit III to its Application (the "Protected Information"). The Protected Information consists of Financial Statements for U.S. TelePacific Corp. d/b/a TelePacific Communications, a privately held company, which is not subject to public reporting requirements. Exhibit III is 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 at 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, U.S. Telepacific Corp. d/b/a TelePacific Communications 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,


U.S. Telepacific Corp. d/b/a TelePacific Communications

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