## BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI



In the matter of the Application of OZARKS TELECOM, LLC for a Certificate of service authority to	)		Missouri Public Service Commission
Provide Basic Local Telecommunications Service in the State of Missouri	)	Case No.	<del></del>
and to classify said services and the company as competitive.	) )		

## **MOTION FOR PROTECTIVE ORDER**

COMES NOW Ozarks Telecom, LLC ("Ozarks Telecom" or "the Company") and hereby moves the Missouri Public Service Commission, by its undersigned counsel and pursuant to 4 CSR 240-2.085, to issue a Protective Order covering the attached financial information which is submitted under seal in the above captioned matter. Concurrently with this filing, Ozarks Telecom has filed an Application with the Commission for a Certificate of Service Authority to Provide Basic Local Exchange Telecommunications Service and for Competitive Classification ("Application").

In connection with that Application, Ozarks Telecom is providing (as Exhibit C to the Application) confidential financial statements in order to demonstrate that Ozarks Telecom has the financial resources necessary to provide basic local telecommunications service in the State of Missouri. In support of this motion, Ozarks Telecom states as follows:

- 1. Ozarks Telecom intends to provide telecommunications services that are highly competitive.
- 2. In support of its Application, Ozarks Telecom is providing confidential financial statements.

- 3. The financial statements submitted as Exhibit C to its Application are not generally available to the public. Further, none of the financial information provided in the financial statements can be found in any format in any other public document.
- 4. Ozarks Telecom considers and treats these financial statements as confidential, proprietary and non-public commercial information.
- 5. Disclosure of the financial statements would be extremely detrimental and could be used by Ozarks Telecom's competitors to gain a competitive advantage in the marketplace. Moreover, competitors at any level possessing such information would find it of great economic value in devising their own business plans and, in many cases, could use such information to structure their plans in such a way as to undercut or materially affect Ozarks Telecom's competitive positions.
- 6. Due to the sensitive nature of the information, the potential harm from disclosure of the financial information outweighs the public's interest in disclosure of the information.

WHEREFORE, Ozarks Telecom, LLC respectfully requests that the Missouri Public Service Commission grant it a Protective Order permitting Ozarks Telecom to file the attached financial statements under seal.

Respectfully submitted,

NEWMAN, COMLEY & RUTH P.C

By:

Mark W. Comley

#28847

601 Monroe Street, Suite 301

P.O. Box 537

Jefferson City, MO 65102-0537

Telephone:

(573) 634-2266

Facsimile:

(573) 636-3306

E-Mail: comleym@ncrpc.com

ATTORNEY FOR OZARKS TELECOM, LLC

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of this document has been sent by electronic mail to the Office of Public Counsel and the General Counsel's Office on this 18th day of August, 2005

Mark W. Comley