## NEWMAN, COMLEY & RUTH

PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS AT LAW
MONROE BLUFF EXECUTIVE CENTER
601 MONROE STREET, SUITE 301
P.O. BOX 537

JEFFERSON CITY, MISSOURI 65102-0537 www.ncrpc.com

April 10, 2003

TELEPHONE: (573) 634-2266 FACSIMILE: (573) 636-3306

The Honorable Dale Hardy Roberts Secretary/Chief Regulatory Law Judge Missouri Public Service Commission P.O. Box 360 Jefferson City, MO 65102-0360 FILE []<sup>3</sup>
APR 1 0 2003

Missouri Public Service Semmission

Re:

ROBERT K. ANGSTEAD

CATHLEEN A. MARTIN

STEPHEN G. NEWMAN

J. MATTHEW SHELLENBERGAR ALICIA EMBLEY TURNER

MARK W. COMLEY

JOHN A. RUTH

Sage Telecom, Inc.

Dear Judge Roberts:

You will find enclosed the original and five copies of Sage Telecom, Inc.'s Request for Confidential Treatment of its 2002 CLEC Annual Report. Also enclosed is one copy of the annual report with the HC portions removed, and one copy of the annual report filed under seal.

We are submitting this request pursuant to 4 CSR 240-3.540 and in accord therewith, we are specifically requesting the Secretary, and in turn the Commission, to treat with utmost confidence certain portions of the annual report that are described in the request.

Please contact me if you have any questions regarding this filing. Thank you.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:

Mark W. Comley

comleym@ncrpc.com

MWC:ab Enclosure

cc: Katherine K. Mudge

Andra Farley

General Counsel's Office Office of Public Counsel BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

In the Matter of Sage Telecom, Inc.'s

2002 Annual Report to the Commission as
A Competitive Local Exchange Carrier and

APR 1 0 2003

APR 1 0 2003

APR 1 0 2003

APR 1 0 2003

A Case No.

A Case No.

A Competitive Local Exchange Carrier and

## REQUEST FOR CONFIDENTIAL TREATMENT OF ANNUAL REPORT

Confidential Treatment of a Portion Thereof

Comes now **Sage Telecom, Inc.** ("Sage" or "the Company"), by and through counsel, and pursuant to 4 CSR 240-3.540 respectfully requests and petitions the Secretary and the Commission to protect from public disclosure and to treat with utmost confidence paragraph 11 on page 4 and paragraph 14 on page 5 (including Exhibit A to paragraph 14) of its 2002 Annual Report to the Commission as a Competitive Local Exchange Carrier (the Annual Report). In support thereof, Sage states the following:

- 1. In accord with past Commission directives,<sup>1</sup> there is submitted with the original of this request a complete confidential version of Sage's 2002 Annual Report under seal for Staff access, and a public version of the Annual Report in which portions of pages 4 and 5 have been clearly marked as containing highly confidential material.
- 2. With the exception of portions of pages 4 and 5, the Company does not seek extraordinary or confidential treatment for the Annual Report.
- 3. Portions of pages 4 and 5 contain financial information and access line data. Sage deems these pages to be confidential because they contain market sensitive information that competitors could use to their economic advantage.

<sup>&</sup>lt;sup>1</sup>See In the Matter of the Application of Teligent, Inc., to Close Information Presented in 1998 Annual Report, Case No. TO-99-543.

4. Because all but portions of pages 4 and 5 of the Annual Report will be available for public inspection, there can be no argument that the public interest will be negatively affected by granting Sage's request. Public disclosure of the contents of portions of pages 4 and 5 would have negligible benefit for the public, but would unfairly place Sage's competitive efforts at risk.

5. Permitting confidential treatment of Sage's Annual Report would be in the interest of fairness and justice without compromising the interest of the public.

WHEREFORE, Sage respectfully requests the Secretary and the Commission to:

 Protect from public disclosure and treat with the utmost confidence paragraph 11 on page 4 and paragraph 14 on page 5 (including Exhibit A to paragraph 14) of its Annual Report, and

2. Enter such other orders and relief, including a declaration that highly confidential portions of pages 4 and 5 are a "closed record(s)" as defined in Missouri law, that the Commission deems meet and just under the circumstances.

Respectfully submitted,

Mark W. Comley

NEWMAN, COMLEY & RUTH

601 Monroe Street, Suite 30

P.O. Box 537

Jefferson City, MO 65102-0537

573/634-2266 (Telephone)

573/636-3306 (FAX)

Attorneys for Sage Telecom, Inc.

## Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand delivered, on this \_\_\_\_\_\_ day of April, 2003, to:

Office of Public Counsel P.O. Box 7800 Jefferson City, MO 65102 General Counsel's Office

P.O. Box 360

Jefferson, City, MO 65102

Mark W. Comley