

Lance J.M. Steinhart, P.C.
Attorney At Law
1720 Windward Concourse
Suite 250
Alpharetta, Georgia 30005

Also Admitted in New York
and Maryland

Telephone: (770) 232-9200
Facsimile: (770) 232-9208
Email: lsteinhart@telecomcounsel.com

February 11, 2004

VIA ELECTRONIC DELIVERY

Mr. Dale Roberts
Chief ALJ and Executive Secretary
Missouri Public Service Commission
200 Madison Street, Suite 100
Jefferson City, MO 65102

FILED
FEB 13 2004
Missouri Public
Service Commission

Re: COMTECH 21, LLC – LOCAL EXCHANGE

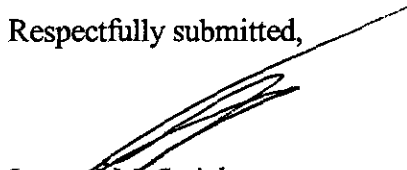
Dear Mr. Roberts:

Enclosed please find for filing an electronically submitted copy of COMTECH 21, LLC's Application for Certificate of Service Authority to Provide Local Exchange Telecommunications Services Within the State of Missouri, along with a Motion for Protective Order for information that is "highly confidential".

Please verify receipt of this filing via a return e-mail. If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me.

Please note that this Application is being submitted by myself and Judith A. Rau, Esq., Missouri Counsel, Bar # 24856.

Respectfully submitted,


Lance J.M. Steinhart
GA Bar No. 678222
Attorney for COMTECH 21, LLC

Enclosures

cc: Sonja Johnson-Byers
Michael Dandino, Office of Public Counsel
General Counsel, Missouri Public Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the application)
of COMTECH 21, LLC)

for a certificate of service authority to)
provide resold and facilities-based/UNE-P)
Basic Local Telecommunications Services)
in Portions of the State of Missouri and)
to Classify Such Services and the Company)
as Competitive)

Case No.

FILED

FEB 13 2004

MOTION FOR PROTECTIVE ORDER

Missouri Public
Service Commission

COMTECH 21, LLC (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 resold and facilities-based/UNE-P Basic Local telecommunications services in portions of the State of Missouri and to Classify such services and the company as competitive (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 IV to its Application (the "Protected Information"). The Protected Information consists of Financial Statements for COMTECH 21, LLC, a privately held company, which is not subject to public reporting requirements. Exhibit IV 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 as 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, COMTECH 21, LLC 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,

COMTECH 21, LLC

By: 

Lance J.M. Steinhart

1720 Windward Concourse
Suite 250
Alpharetta, Georgia 30005
(770) 232-9200
(770) 232-9208 (Fax)
Georgia Bar No. 678222

and



Judith A. Rau, Esq.

Rau & Rau

119 E. Mill Street

Waterloo, IL 62298

(618) 939-7186

Missouri Bar No. 24856

Attorneys for Applicant

Dated: 1/11/09