

FILED

BEFORE THE PUBLIC SERVICE  
COMMISSION OF THE STATE OF MISSOURI JAN 7 2000

Missouri Public  
Service Commission

In the Matter of the Application of )  
 )  
Vectris Telecom, Inc. )  
 )  
for a Certificate of Service Authority to Provide )  
Interexchange and Local Exchange )  
Telecommunications Services )  
in the State of Missouri )  
and for Competitive Classification )

Case No. TA-2000-409

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**MOTION FOR PROTECTIVE ORDER**

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**INTRODUCTION**

Vectris Telecom, Inc. ("Vectris" 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. Vectris submits this Motion for the purpose of seeking the confidential treatment of certain commercially-sensitive financial information which is filed together with this Motion under confidential seal and which is further referred to as *Exhibit 3* to its Application for a Certificate of Service Authority to Provide Interexchange and Local Exchange Telecommunications within the State of Missouri ("Interexchange Application").

In support of this Motion, Vectris states the following:

**I. DESCRIPTION OF CONFIDENTIAL INFORMATION**

1. To demonstrate its financial ability to provide interexchange services, Vectris is prepared to offer a copy of the Company's projected financial statements for its first year of operation. These documents are specifically referred to as *Exhibit 3* to the Interexchange Application.

## **II. GROUND FOR CLAIM OF PROTECTIVE TREATMENT**

4. Vectris seeks to protect the information contained in *Exhibit 3* 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 Vectris in Missouri and elsewhere.

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

6. Vectris 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 *Exhibit 3* to Vectris' 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.

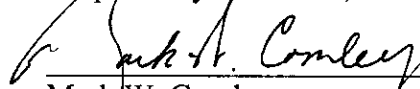
## **III. CONCLUSION**

8. 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 Vectris as a result of

any such disclosure is real and not speculative. Moreover, to date, no other jurisdiction or governmental agency has required Vectris to make its financial statements available to the public. For all of these reasons, Vectris' financial statements should be protected from public disclosure.

WHEREFORE, Vectris Communications, Inc. respectfully requests that the Commission grant its Motion for Protective Order with respect to **Exhibit 3** of its Application for a Certificate of Service Authority to Provide Interexchange and Local Exchange Telecommunications within the State of Missouri.

Respectfully submitted,



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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, to Office of Public Counsel, P.O. Box 7800, Jefferson City, MO 65102-7800, on this 7<sup>th</sup> day of January, 2000.



Mark W. Comley