

**Before the  
MISSOURI PUBLIC SERVICE COMMISSION**

Application of	)	
	)	
BROADVIEW NP ACQUISITION CORP.	)	Case No. _____
D/B/A BROADVIEW NET PLUS	)	
	)	
for a Certificate of Service Authority to Provide	)	
Competitive Intrastate Interexchange	)	
Telecommunications Services	)	

**MOTION FOR PROTECTIVE ORDER**

Comes now Broadview NP Acquisition Corp. d/b/a Broadview Net Plus (“BNP” or “Applicant” or “Company”), by its undersigned counsel, and pursuant to 4 CSR § 240-2.085 hereby files this Motion for a Protective Order (“Motion”) in the above-captioned proceeding. BNP 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 D* to BNP’s Application for a Certificate of Service Authority to Provide Competitive Intrastate Interexchange Telecommunications Services Within the State of Missouri (“Application”).

In support of this Motion, BNP states the following:

**I. Description of Confidential Information**

1. To demonstrate its financial ability to provide interexchange local telecommunications services, BNP is prepared to offer financial statements indicating its projected profit and loss, cash flow and balance sheet for years 2002-2004 in addition to information noting its

financial condition before and after closing of the asset purchase that is described in the application. These documents are specifically referred to as *Exhibit D* to BNP's Application.

## **II. Grounds for Claim of Protective Treatment**

2. BNP seeks to protect the information contained in *Exhibit D* 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 BNP in Missouri and elsewhere.

3. Because the Company's financial statements contain confidential and commercially-sensitive information from which its competitors may derive economic value, BNP actively seeks to protect such material from public disclosure. BNP derives independent economic value from the fact that significant 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 interexchange carriers in Missouri, as well as in other states in which BNP provides or intends to provide telecommunications services, with an unfair and undeserved competitive advantage over BNP.

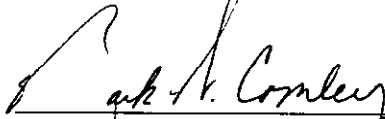
4. BNP is a privately-held company presently immune from the legal obligation to prepare or submit financial statements to any public entity. As such, the financial statements set forth in Exhibit D to the Application are not readily ascertainable by persons external to the Company, and none of the information for which this claim of confidentiality is made may be found in any format in any other public document.

### III. Conclusion

5. 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 BNP as a result of any such disclosure is real and not speculative. For all of these reasons, BNP's financial statements should be protected from public disclosure.

WHEREFORE, BNP respectfully requests that the Commission grant its Motion for Protective Order with respect to *Exhibit D* of its Application for a Certificate of Service Authority.

Respectfully submitted,

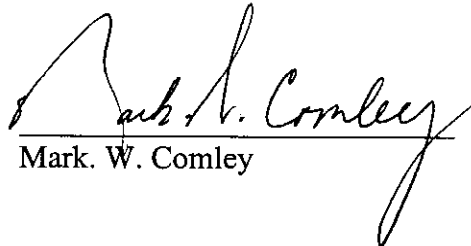


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ATTORNEYS FOR BROADVIEW NP ACQUISITION CORP.  
D/B/A BROADVIEW NET PLUS

### 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, to Office of Public Counsel, P.O. Box 7800, Jefferson City, Missouri 65102, and General Counsel, P.O. Box 360, Jefferson City, Missouri 65102 on this the 18<sup>th</sup> day of April, 2002.



Mark. W. Comley