

FILED

BEFORE THE PUBLIC SERVICE COMMISSION APR 27 2000  
OF THE STATE OF MISSOURI

Missouri Public  
Service Commission

In the Matter of the Application of )

ONSITE ACCESS LOCAL, LLC )

Case No. TA - 2000 - 691

for a Certificate of Service Authority to )

Provide Resold and Facilities-based Basic )

Local Intrastate Telecommunications )

Services within the State of Missouri. )

**MOTION FOR PROTECTIVE ORDER**

**INTRODUCTION**

OnSite Access Local, LLC ("OnSite" 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. OnSite 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 Basic Local Telecommunications Services within the State of Missouri ("Basic Local Application").

In support of this Motion, OnSite states the following:

**I. DESCRIPTION OF CONFIDENTIAL INFORMATION**

1. To demonstrate its financial ability to provide basic local exchange telecommunication services, OnSite is prepared to offer a copy of the consolidated financial statements of the predecessor entities of OnSite Access, Inc, OnSite's parent, for a three year period ending in 1999. OnSite's parent company was originally formed on July 5, 1996, under the name

Veritech Ventures LLC. Effective May 18, 1998, the parent company was reorganized under the name OnSite Ventures LLC (*see* 1998 financial statements, note 1). On June 30, 1999, OnSite Ventures LLC was merged into a newly formed corporation under the name OnSite Access, Inc. (*id.*, note 9). These documents are specifically referred to as ***Exhibit 3*** to the Basic Local Application.

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

4. OnSite 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 OnSite in Missouri and elsewhere.

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

6. OnSite is a privately-held limited liability company 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 OnSite's 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.

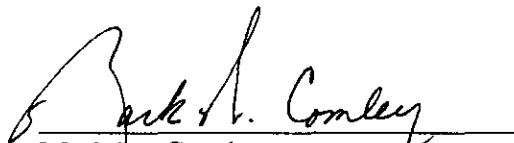
### III. CONCLUSION

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

WHEREFORE, OnSite Access Local, LLC. 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 Basic Local Telecommunications Services within the State of Missouri

Respectfully submitted,

By:



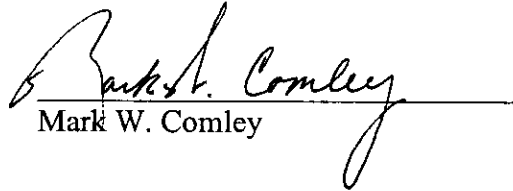
Mark W. Comley  
Newman, Comley & Ruth, P.C.  
601 Monroe Street, Suite 301  
P.O. Box 537  
Jefferson City, Missouri 65102  
Telephone: (573) 634-2266  
Facsimile: (573) 636-3306

Russell M. Blau  
Tony S. Lee  
Swidler Berlin Shereff Friedman, LLP  
3000 K Street, N.W., Suite 300  
Washington, D.C. 20007  
Telephone: (202) 424-7798  
Facsimile: (202) 424-7645

Attorneys for **OnSite Access Local,  
LLC**

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, MO 65102, and General Counsel, P.O. Box 360, Jefferson City, MO 65102 on this 27<sup>th</sup> day of April, 2000.

  
Mark W. Comley