STATE OF SOUTH CAROLINA

(Caption of Case)

Application of Kentucky Data Link, Inc. to Provide Resold and Facilities-Based Local Exchange and Interexchange Telecommunications Services Throughout South Carolina

BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

COVER SHEET

DOCKET NUMBER: 2008 - 16 - C

(Please type or print)

Submitted by: John J. Pringle, Jr.

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ **Emergency Relief demanded in petition**

☐ **Request for item to be placed on Commission's Agenda expeditiously**

☐ **Other:**

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
☐ Electric	☐ Affidavit	☐ Letter	☐ Request
☐ Electric/Gas	☐ Agreement	☐ Memorandum	☐ Request for Certification
☐ Electric/Telecommunications	☐ Answer	☒ Motion	☐ Request for Investigation
☐ Electric/Water	☐ Appellate Review	☐ Objection	☐ Resale Agreement
☐ Electric/Water/Telecom.	☐ Application	☐ Petition	☐ Resale Amendment
☐ Electric/Water/Sewer	☐ Brief	☐ Petition for Reconsideration	☐ Reservation Letter
☐ Gas	☐ Certificate	☐ Petition for Rulemaking	☐ Response
☐ Railroad	☐ Comments	☐ Petition for Rule to Show Cause	☐ Response to Discovery
☐ Sewer	☐ Complaint	☐ Petition to Intervene	☐ Return to Petition
☒ Telecommunications	☐ Consent Order	☐ Petition to Intervene Out of Time	☐ Stipulation
☐ Transportation	☐ Discovery	☐ Prefiled Testimony	☐ Subpoena
☐ Water	☐ Exhibit	☐ Promotion	☐ Tariff
☐ Water/Sewer	☐ Expedited Consideration	☐ Proposed Order	☐ Other:
☐ Administrative Matter	☐ Interconnection Agreement	☐ Protest	
☐ Other:	☐ Interconnection Amendment	☐ Publisher's Affidavit	
	☐ Late-Filed Exhibit	☐ Report	

Print Form Reset Form

ELLIS : LAWHORNE

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February 7, 2008

FILED ELECTRONICALLY
The Honorable Charles L.A.. Terreni
Chief Clerk
South Carolina Public Service Commission
PO Drawer 11649
Columbia SC 29211

RE: Application of Kentucky Data Link, Inc. to Provide Resold and Facilities-Based Local Exchange and Interexchange Telecommunications Services Throughout South Carolina
Docket No. 2008-16-C, ELS File No. 1453-11572

Dear Mr. Terreni:

Enclosed is the original and one (1) copy of the **Motion for Protective Treatment and Basis for Filing Exhibit 4 as Trade Secret** filed on behalf of Kentucky Data Link, Inc. in the above-referenced docket.

Please acknowledge your receipt of this document by file-stamping the copy of this letter enclosed, and returning it in the enclosed envelope.

If you have any questions or need additional information, please do not hesitate to contact me.

With kind regards, I am

Yours truly,

John J. Pringle, Jr.

JJP/cr
cc: C. Lessie Hammonds, Esquire (via electronic and 1st class mail service)
Anthony D. Gillette, Esquire (via electronic mail service)

BEFORE THE
PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
DOCKET NO. 2008-16-C

IN RE:	)	
	)	**MOTION FOR PROTECTIVE TREATMENT AND BASIS FOR FILING EXHIBIT 4 AS TRADE SECRET**
Application of Kentucky Data Link, Inc.	)	
to Provide Resold and Facilities-Based	)	
Local Exchange and Interexchange	)	
Telecommunications Services	)	
Throughout South Carolina	)	

Kentucky Data Link, Inc. (hereafter "Applicant"), by and through counsel, and pursuant to S.C. Code Ann. § 39-8-10, *et seq*, and S.C. Code Ann Regs. § 103-804(S)(2), hereby files this Motion for Protective Treatment in the above captioned matter. More specifically, Applicant hereby requests protective treatment of its, and its affiliates, financial information which is commercially-sensitive and attached to its Application to Provide Resold and Facilities-Based Local Exchange and Interexchange Telecommunications Services (hereafter "Application") as Exhibit 4. The aforementioned financial information is being filed as a Trade Secret, and because this Motion is integral to Applicant's Application, it is being submitted simultaneously therewith.

Applicant states the following in support of this Motion:

I. DESCRIPTION OF CONFIDENTIAL INFORMATION

As part of the application process to obtain authority, Applicant is required to disclose documents evidencing its financial ability to provide service. Pursuant to this requirement, Applicant is filing a copy of its most recent financial statements. These documents contain highly confidential and strictly proprietary information, the public disclosure of which would result in direct, immediate and substantial harm to Applicant's competitive position.

II. BASIS FOR CLAIM OF CONFIDENTIALITY

Pursuant to the South Carolina Trade Secret Act, a "trade secret" is information that (i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by the public… and (ii) is the subject of efforts

that are reasonable under the circumstance to maintain its secrecy. S.C. Code Ann. § 39-8-20(5)(a).

Accordingly, in light of the foregoing definition, Applicant's financial documents qualify as a trade secret. Applicant is a privately held company whose financial status is not readily available or ascertainable by third parties. Applicant has no obligation to prepare or submit projected financial statements or information to any public entities. The unavailability of this financial information derives independent economic value for the Applicant because its disclosure would harm its ability to compete in a competitive marketplace.

Applicant takes considerable steps to ensure the financial information being filed with its Application remains secret. The information is not publicly disclosed or disseminated, and access to it by employees is limited to those with a need to have said information.

Any and all copies of said documents that are filed with a state commission are marked as confidential, and are submitted alongside a formal request or motion that the documents be treated as confidential and a trade secret under applicable state law.

Applicant clarifies that its request for protection applies only to the financial information contained in Exhibit 4 to the Application. Applicant is not seeking protection of any type by means of this Motion for those reports Applicant will be required to file with the Office of Regulatory Staff ("ORS") should the relief sought in the Application be granted: the Annual Report Form, Gross Receipts Report, or the Universal Service Fund Worksheet.

III CONCLUSION

The financial information for which Applicant is seeking protective treatment is both proprietary and competitively sensitive. The disclosure of Applicant, and its affiliates, financial information would cause a substantial and direct harm to Applicant's ability to compete. The harm that would be imposed is real and actual, not speculative. Moreover, no other jurisdiction has required Applicant to make its financial information publicly available. Therefore, for the foregoing reasons, the financial information provided by Applicant in Exhibit 4 to its Application should be protected from public disclosure.

WHEREFORE, Applicant requests that the information contained in Exhibit 4 of its Application be ruled exempt from public disclosure and provided protective treatment as a confidential trade secret in accordance with state law.

Respectfully submitted,

KENTUCKY DATA LINK, INC.

By: _____

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Dated: February 7, 2008
Columbia, South Carolina