STATE OF SOUTH CAROLINA

(Caption of Case)

Application of Applewood Communications Corporation for a Certificate of Public Convenience and Necessity to Operate as a Reseller of Interexchange Telecommunications Services Within the State of South Carolina

BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

COVER SHEET

DOCKET NUMBER: 2007 - 99 - 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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May 18, 2009

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

RE: Application of Applewood Communications Corporation for a Certificate of Public Convenience and Necessity to Operate as a Reseller of Interexchange Telecommunications Services Within the State of South Carolina
Docket No. 2007-99-C, Our File No. 1340-11441

Dear Mr. Terreni:

Enclosed is the **Motion for Protective Treatment of Financials** filed on behalf of Applewood Communications Corporation in the above-referenced matter.

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
Attachment
cc: C. Lessie Hammonds, Esquire (via electronic mail service)
Ms. Amy Duffer (via electronic mail service)

BEFORE THE SOUTH CAROLINA
PUBLIC SERVICE COMMISSION

In the Matter of the Application of **Applewood Communications Corporation** To Provide Resold Interexchange Telecommunications Services Throughout the State of South Carolina and for Alternative Regulation	)))))))))	Docket No. 2007-99-C

MOTION FOR PROTECTIVE TREATMENT AND BASIS FOR FILING EXHIBIT 4 AS TRADE SECRET

Applewood Communications Corporation ("Applewood" or "Applicant"), by counsel, and pursuant to S.C. Code Ann. § 39-8-10, *et seq.*, S.C. Code Ann. Regs. 103-804(Y)(2), hereby files this Motion for Protective Treatment ("Motion") in the above-captioned proceeding. By this Motion, Applewood seeks protective treatment by the South Carolina Public Service Commission ("Commission") of certain commercially-sensitive financial information attached as **Exhibit 4**, filed as Trade Secret to Applewood's Application for Authority to Provide Competitive Interexchange Telecommunications Services.

Because this Motion is an inseparable part of Applewood's Application, it is being filed concurrently therewith.

In support of this Motion, Applicant provides the following:

In support of its application, Applewood respectfully submits as follows:

1. The legal name, address, telephone and fax number of the Applicant are:

   Applewood Communications Corporation
   424 Madison Avenue, Suite 800
   New York, NY 10017
   Telephone: (646) 291-2446
   Facsimile: 434-236-0014

2. All correspondence, notices, inquiries, and other communications regarding this Motion should be addressed to:

John J. Pringle, Jr.
Ellis, Lawhorne & Sims, P.A.
P.O. Box 2285
Columbia SC 29202
Telephone: (803) 343-1270
Facsimile: (803) 799-8479
jpringle@ellislawhorne.com

with copies to:

Amy Duffer
Applewood Communications Corporation
PO Box 127
Brookneal, VA 24528
Telephone: 646-291-2446
Facsimile: 434-236-0014
amy.duffer@myapplewood.com

I. Description of Confidential Information

The Application requires Applicant to disclose evidence of its financial ability to provide service by submitting documentation of its financial resources. Pursuant to this requirement, Applewood is submitting copies of its audited 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 Applewood's competitive position in South Carolina and in other states where Applewood is currently doing business.

II. Grounds for Claim of Confidentiality

The financial information submitted by Applewood in **Exhibit 4** of its Application fits squarely within the definition of a "trade secret" under the South Carolina Trade Secrets Act.[1] As a privately-held company, Applewood's financial qualifications are not readily ascertainable.

[1] A "trade secret" is defined in S.C. Code § 39-8-20(5)(a) as 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 circumstances to maintain its secrecy."

Applewood currently has no legal obligation to prepare or submit projected financial statements, or to report any financial information to a public entity. Further, the unavailability of this information derives independent economic value for Applewood because the disclosure of such information would jeopardize Applewood's relationship with its investors and harm

Applewood's ability to compete in the provision of advanced telecommunications services in South Carolina. Applewood is not a public corporation and its financial and business information is uniquely sensitive.

Applewood takes considerable efforts to maintain the secrecy of the information contained in its financial statements. Financial information of this type is not publicly disseminated, and Applewood takes reasonable steps to guard this information internally as well. Its disclosure is limited to Applewood's senior officers, Applewood's counsel and employees of the company who are directly involved with Applewood's financial operations. Furthermore, when required to submit financial information to public authorities, all such information is clearly stamped "confidential" and is accompanied by formal requests to maintain the confidentiality of the information and to withhold it from public disclosure.

Applewood clarifies that its request for protection applies only to the financial information contained in **Exhibit 4** to the Application. Applewood is not seeking protection of any type by means of this Motion for those reports Applewood 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 audited financial information included in support of Applewood's Application, for which confidential treatment is requested, is both proprietary and competitively sensitive. Applewood would suffer substantial direct harm if such information is made publicly available.

The harm that would result from public disclosure of Applewood's financial information is real and not speculative. Moreover, to date, no other jurisdiction has required Applewood to make its financial information publicly available. For the foregoing reasons, the financial information included in **Exhibit 4** should be protected from public disclosure by the Commission.

WHEREFORE, Applewood respectfully requests that the information contained in **Exhibit 4** of Applewood's Application for a Certificate of Public Convenience and Necessity be ruled exempt from public disclosure and provided confidential treatment in accordance with S.C. Code Ann. § 39-8-10, *et seq.*

Respectfully submitted,

Applewood Communications Corporation

By: _____

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May 18, 2009
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