

ONEIDA COUNTY RURAL TELEPHONE CO.  
EST. 1905



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March 30, 2012

Ms. Donna Giliberto  
Records Access Officer  
State of New York  
Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223

**Re: Motion For Trade Secret Status; Matter Number 12-00094**

Dear Ms. Giliberto:

Attached please find Oneida County Rural Telephone's Motion for Trade Secret Status for its Annual Capital Program Filing. A letter notifying Secretary Brilling that our company has filed the requisite data with you and a copy of the Motion have been provided to the Secretary under separate cover.

Should you have any questions regarding this request, please do not hesitate to contact me.

Respectfully submitted,

Heather Kirkland  
General Business Manager

Enclosures

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

MOTION OF THE

*Oneida County Rural Telephone Company*

FOR TRADE SECRET STATUS

Matter Number 12-00094

The Oneida County Rural Telephone Company, a facilities-based local exchange carrier operating in New York State, hereby respectfully moves the New York State Public Service Commission (“Commission”) to grant trade secret proprietary status to the materials filed by the carrier regarding its Annual Capital Program Filing, pursuant to Sections 644.3 and 6-1.3 of its Rules of Procedure and Section 87(2) of the Public Officers Law.<sup>1</sup> The referenced Annual Capital Program Filing has been submitted under separate cover to Ms. Donna Gilibeto, the

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<sup>1</sup> 16 NYCRR §§644.3 and 6-1.3; N.Y. Pub. Off. Law §87(2)(d) and §87(2)(f).

Commission's Records Access Officer, with correspondence submitted to the Secretary indicating that the materials have been filed with Ms. Giliberto.

Oneida County Rural Telephone believes that public availability of this information could cause potential, but irreparable, injury to the company because of the nature of this information. The submitted data includes specific proprietary information about the company's current infrastructure and planned upgrades as well as products and services the company either currently provides, or anticipates providing through 2015 as well as information related to specific numbers of customers. The information, if released, could provide any current or potential competitors a clear road map as to the size of any particular market, including sensitive information related to actual customer numbers, and the types of products and services that are offered or are planned to be offered. For example, the release of the information requested could give an existing or potential competitor sufficient detail to judge the size of a particular market (including existing penetrations levels of such services as DSL and future plans for fiber builds) and allow it to determine the attractiveness of a particular market and to develop a promotional marketing campaign to attract market share. Release of the information could also allow competitors, especially large national firms, to effectively time their market entry across upstate New York based upon new product plans of this and other companies. Information on certain specific infrastructure deployments can also provide sufficient information as to the costs and probable new services that would be introduced as a result of network upgrades.

Specifically, §87(2)(f) of the Public Officers Law states that agencies may deny access to records which "trade secrets or are submitted to an agency by a commercial enterprise or derived

from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise.”<sup>2</sup>

Further, 16 NYCRR §6-1.3(b)(2)(i) states that disclosure can be limited to “the extent to which the disclosure would cause unfair economic or competitive damage”<sup>3</sup> and 16 NYCRR §6-1.3(b)(2)(vi) states that the disclosure can be prevented where there exists “other statute(s) or regulations specifically exempting the information from disclosure,”<sup>4</sup> such as Public Officers Law §87(2)(f).

Additionally, Oneida County Rural Telephone requests Trade Secret Protection for this year’s Annual Capital Program filing, as it did for its 2011, 2010, 2009, 2008 and 2007 Annual Capital Program Filing in which the Company requested and subsequently received Trade Secret protection.

Thus, the release of this information regarding the Company’s Annual Capital Program Filing would be to the detriment of our Company’s competitive standing and must be prevented. Since the submitted information in the Annual Capital Program Filing contains such sensitive and trade secret information which could result in injury if released publicly, Oneida County Rural Telephone is hereby moving for protection from public disclosure of the materials under the cited sections of the New York State Public Officers Law and Commission regulation.

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<sup>2</sup> *N.Y. Public Officers Law*, §87(2)(d).

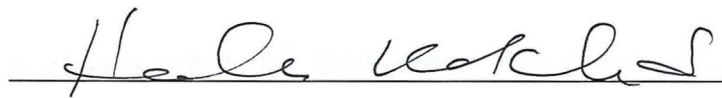
<sup>3</sup> 16 NYCRR §6-1.3(b)(2)(i).

<sup>4</sup> 16 NYCRR §6-1.3(b)(2)(vi).

Should you have any questions regarding this Motion, please contact my office.

Respectfully submitted,

*ONEIDA COUNTY RURAL TELEPHONE*

A handwritten signature in cursive script, appearing to read "Heather Kirkland", is written over a horizontal line.

Heather Kirkland

General Business Manager

9560 Main Street, Holland Patent, NY 13354

315-865-5201

Dated: March 30, 2012