

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

TS Communications, Inc. d/b/a :
Telecom*USA Long Distance :
Company of Illinois : **05-0138**
:
Petition for Emergency and :
Expedited Relief to Protect from :
Disclosure in its Entirety for a Period :
of Not Less Than Five Years :
Petitioner's 2004 Annual Report. :

ORDER

By the Commission:

On March 2, 2005, TS Communications, Inc. d/b/a Telecom*USA Long Distance Company of Illinois ("Petitioner") filed a verified petition with the Illinois Commerce Commission ("Commission") seeking entry of an order affording proprietary treatment to its 2004 Annual Report for a period of not less than five years. The petition states that Petitioner is certificated by the Commission to provide competitive telecommunications services in the State of Illinois, and as such is required to file an Annual Report pursuant to Section 5-109 of the Public Utilities Act ("Act") 220 ILCS 5/1-101 et seq. Petitioner indicates that its 2004 Annual Report contains highly proprietary and confidential commercial and financial information, the disclosure of which to competitors would likely be detrimental to Petitioner given the highly competitive nature of the telecommunications industry.

The Commission, having considered the entire record herein and being fully advised in the premises, is of the opinion and finds that:

- (1) the Commission has jurisdiction over Petitioner and the subject matter of this petition;
- (2) the recitals of fact set forth in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;

- (3) Section 5-109 of the Act states, in relevant part:

All reports made to the Commission by any public utility and the contents thereof shall be open to public inspection, unless otherwise ordered by the Commission;

- (4) Section 7(g) of the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq., exempts from disclosure:

Trade secrets and commercial or financial information obtained from a person or business where such trade secrets or information are proprietary, privileged or confidential, or where disclosure of such trade secrets or information may cause competitive harm;

- (5) as stated in the verified petition, Petitioner's 2004 Annual Report falls within the exemption stated in Finding (4);
- (6) Petitioner's 2004 Annual Report should be exempt from public disclosure under Section 7(g) of the Illinois Freedom of Information Act and Section 5-109 of the Act for a period of five years from the date this Order is entered; and
- (7) Petitioner should submit with its 2004 Annual Report a cover letter indicating that proprietary treatment was granted in this Docket and identifying the date on which this Order was entered.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the 2004 Annual Report filed by TS Communications, Inc. d/b/a Telecom*USA Long Distance Company of Illinois is afforded proprietary treatment and is exempt from public disclosure and will be accessible only by the Commission and the Commission Staff for a period of five years from the date this Order is entered.

IT IS FURTHER ORDERED that a cover letter shall be submitted with the 2004 Annual Report as described in Finding (7).

IT IS FURTHER ORDERED that the Commission retains jurisdiction over Petitioner and the subject matter hereof for the purpose of issuing such further order or orders as it may deem necessary.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By order of the Commission this 23rd day of March, 2005.

(SIGNED) EDWARD C. HURLEY

Chairman