

ORIGINAL

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION
STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

- Illinois Valley Cellular RSA 2-I Partnership)
- Illinois Valley Cellular RSA 2-II Partnership)
- Illinois Valley Cellular RSA 2-III Partnership)
- Petition for Emergency Relief to protect Petitioner's)
- annual report from disclosure for not less than five)
- years in order to protect highly proprietary information)

09-0352

2009 AUG - 3 P 3: 33
 ILLINOIS
 COMMERCE COMMISSION

PETITION FOR PROPRIETARY TREATMENT

NOW COME Illinois Valley Cellular RSA 2-I Partnership, Illinois Valley Cellular RSA 2-II Partnership and Illinois Valley Cellular RSA 2-III Partnership ("Petitioners" or "IVC") and hereby petition the Illinois Commerce Commission ("Commission") for emergency relief to protect Petitioners' Annual Report for the year due on August 1, 2009, from public disclosure for not less than five years in order to protect highly proprietary information included therein. In support of this Petition, Petitioners state as follows:

1. On April 19, 2006, the Commission entered an Order designating Illinois Valley Cellular RSA 2-I Partnership, Illinois Valley Cellular RSA 2-II Partnership and Illinois Valley Cellular RSA 2-III Partnership, as wireless eligible telecommunications carriers (WETC) for purposes of receiving federal Universal Service support in its Eligible Communications Carrier Designated Service Area pursuant to Section 214(e)(2) of the Telecommunications Act of 1996.
2. The Commission's Order requires that on or before August 1 of each year, IVC shall submit reports to the Manager of the Commission's Telecommunications Division certifying, reporting and providing information as required by paragraphs 23 and 69 of the

Federal Communication Commission's ETC Order¹. The Commission's Order specifically states:

To the extent that any such information is proprietary, it may be submitted and shall be treated as proprietary and confidential under appropriate motions. (Order @ p. 62, condition 12).

3. The Commission's Order requires the annual report to the Manager of the Commission's Telecommunications Division to disclose highly proprietary and confidential commercial and financial information, i.e., Petitioners' business plans and service areas and expenditures, the public disclosure of which to competitors would be detrimental to Petitioners.

4. Petitioners have filed annual reports for 2006, 2007, 2008 and 2009.

5. The telecommunications industry is highly competitive, and it is imperative that public disclosure of confidential information contained in the annual reports of Petitioners be avoided following the issuance of an order by the Commission because of the competitive harm which disclosure of such information would likely cause Petitioners.

6. Section 7 of the Illinois Freedom of Information Act, 5 ILCS 140/7(g), exempts from public disclosure "trade secrets and commercial or financial information . . . where the trade secrets or information are proprietary, privileged or confidential." The annual reports of Petitioner, which is the subject matter of this Petition, falls within this exemption.

7. Petitioners seek an order from this Commission, without hearing, protecting from disclosure in its entirety Petitioners' annual reports for 2006, 2007, 2008 and 2009.

WHEREFORE, Petitioners, Illinois Valley Cellular RSA 2-I Partnership, Illinois Valley Cellular RSA 2-II Partnership and Illinois Valley Cellular RSA 2-III Partnership, respectfully request that the Commission enter an order, without hearing, protecting from disclosure in its

¹ Federal-State Joint Board on Universal Service CC Docket No. 96-45, Report and Order, FCC-05-46, March 17, 2005.

entirety the 2006, 2007, 2008 and 2009, annual reports of the Petitioners and such other relief as this Commission deems just.

Dated this 31 day of July, 2009.

Respectfully submitted,

Illinois Valley Cellular RSA 2-I Partnership, Illinois
Valley Cellular RSA 2-II Partnership and Illinois
Valley Cellular RSA 2-III Partnership

By: 
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STATE OF ILLINOIS)
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COUNTY OF SANGAMON) SS

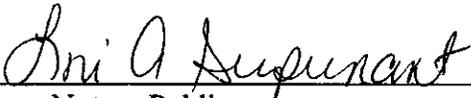
VERIFICATION

GARY L. SMITH, being first duly sworn on oath, deposes and states that he is the Attorney for the Petitioner, that he has read the above and foregoing Petition and knows the contents thereof, and that the same are true to the best of his knowledge, information and belief.



GARY L. SMITH

Subscribed and sworn to before me
this 3rd day of July, 2009.



Notary Public

