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ILLINOIS COMMERCE COMMISSION

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STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

DIVERSE COMMUNICATIONS, INC.,	)	
	)	
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	)	NO. 09-0502

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ILLINOIS COMMERCE COMMISSION

PETITION FOR PROPRIETARY TREATMENT

NOW COMES Diverse Communications, Inc. ("Petitioner") and hereby petitions the Illinois Commerce Commission ("Commission") for emergency relief to protect Petitioner's Annual Report for the year ending December 31, 2009 from disclosure for not less than five years in order to protect highly proprietary information included therein. In support of this Petition, Petitioner states as follows:

1. Petitioner is certificated by the Commission and provides competitive telecommunications services in the State of Illinois.

2. Petitioner is required to file an annual report pursuant to §5-109 of The Public Utilities Act (220 ILCS 5/5-109).

3. The annual report of the Petitioner contains highly proprietary and confidential commercial and financial information, the disclosure of which to competitors, or potential competitors, would be detrimental to Petitioner.

4. The telecommunications industry is highly competitive, and it is imperative that public disclosure of confidential information contained in the annual report of Petitioner be avoided for a period of at least five years following the issuance of an order by the Commission because of the competitive harm which disclosure of such information would likely cause Petitioner.

5. 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 report of Petitioner, which is the subject matter of this Petition, falls within this exemption.

6. Petitioner seeks an order from this Commission, without hearing, protecting from disclosure in its entirety Petitioner's annual report for a period of not less than five years.

WHEREFORE, Petitioner respectfully requests that the Commission enter an order, without hearing, protecting from disclosure in its entirety the 2009 annual report of the Petitioner for a period of not less than five years.

Dated this 3rd day of November, 2009.

Respectfully submitted,

DIVERSE COMMUNICATIONS, INC.

By: _____
Gary L. Smith

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STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

VERIFICATION

GARY L. SMITH, being first duly sworn on oath, deposes and states that he is one of the attorneys 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 November, 2009.

Lori A Suprenant
Notary Public

OFFICIAL SEAL
LORI A. SUPRENANT
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 5-26-2011