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**ILLINOIS COMMERCE COMMISSION**

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ILLINOIS COMMERCE  
COMMISSION

2012 MAR 30 1P 1:20

CHIEF CLERK'S OFFICE

Docket No. 12-0246

COVAD COMMUNICATIONS COMPANY )  
)  
Petition for Emergency and Expedited Relief to )  
Protect from Disclosure in its Entirety for a )  
Period of Not Less than Two Years )  
Petitioner's 2011 Annual Report )

**PETITION FOR EMERGENCY  
AND EXPEDITED RELIEF**

NOW COMES, Covad Communications Company ("Petitioner") and hereby petitions the Illinois Commerce Commission ("Commission") for emergency relief to protect Petitioner's 2011 Annual Report from disclosure for not less than two years in order to protect highly proprietary information includes therein. In support of this Petition, Petitioner states as follows:

1. Petitioner is certificated by the Commission to provide competitive telecommunications services in the State of Illinois.

2. Petitioner is required to file an Annual Report pursuant to Section 5-109 of The Public Utilities Act, 220 LCS 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 two 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, or where disclosure of such trade secrets or information may cause competitive harm." 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 2011 Annual Report for a period of not less than two years. Petitioner has sought from and been granted comparable protections from the Federal Communications Commission and numerous state regulatory commissions, including Florida, Wisconsin, Oregon, and

California. Both federal and state commissions routinely grant a request for protection of this proprietary and confidential information with no specified duration for such protection.

WHEREFORE, Petitioner respectfully requests that the Commission enter an Order, without hearing, protecting from disclosure in its entirety the 2011 Annual Report of the Petitioner for a period of not less than two years.

DATED this \_\_\_\_\_ day of March, 2012.

Respectfully submitted,

Covad Communications Company

By: \_\_\_\_\_

  
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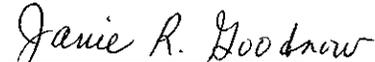
STATE OF TEXAS            )  
  ) SS  
COUNTY OF TRAVIS        )

VERIFICATION

Katherine K. Mudge, being first duly sworn on oath, deposes and states that she represents Covad Communications Company, that she has read the above and foregoing Petition for emergency relief to protect Petitioner's 2011 Annual Report and knows the contents thereof, and that the same are true to the best of her knowledge, information and belief.

  
\_\_\_\_\_  
Katherine K. Mudge

Subscribed and sworn to before  
me this 29<sup>th</sup> day of March, 2012

  
\_\_\_\_\_  
Notary Public

