

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

L.R. Communications, Inc. :
 :
Petition for Emergency Relief to protect : **12-0633**
Petitioner's annual report from disclosure :
for not less than two years in order to :
protect highly proprietary information. :

ORDER

By the Commission:

On November 28, 2012, L.R. Communications, Inc. ("Petitioner") filed a verified petition requesting that the Illinois Commerce Commission ("Commission") enter an order protecting Petitioner's 2012 Annual Report from disclosure for a period of not less than two years. Petitioner is required under Section 5-109 of the Public Utilities Act (220 ILCS 5/5-109) to file an Annual Report. Section 7(g) of the Freedom of Information Act (5 ILCS 140/7(g)) exempts commercial and financial information from public disclosure where information is confidential or where disclosure of trade secrets may cause competitive harm.

Since all facts necessary for the Commission to grant the requested relief are contained in the petition, no hearing is necessary and it is waived.

Petitioner is certified by the Commission to provide competitive telecommunications services in Illinois. The petition states that Petitioner's 2012 Annual Report contains commercial and financial information that is proprietary and confidential, the disclosure of which to competitors could be detrimental to Petitioner. The petition further indicates that because the telecommunications industry is highly competitive, it is imperative that public disclosure of confidential information contained in the Petitioner's 2012 Annual Report be avoided for a period of at least two years following issuance of an Order by the Commission, due to the competitive harm such disclosure would likely cause Petitioner.

Petitioner shall be directed to file a public version of its 2012 Annual Report in conjunction with the proprietary version that is the subject of this Docket.

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

- (1) L.R. Communications, Inc. is a telecommunications carrier within the meaning of Section 13-202 of the Public Utilities Act ("Act") which provides

competitive telecommunications service as defined in Section 13-209 of the Act;

- (2) the Commission has jurisdiction over Petitioner and the subject matter herein;
- (3) the recitals of fact set forth in the prefatory portion of this Order are supported by the petition and are hereby adopted as findings of fact;
- (4) 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 inspections, unless otherwise ordered by the Commission;

- (5) Section 7(g) of the Illinois Freedom of Information Act (5 ILCS 140/7) 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;

- (6) the verified petition states that Petitioner's 2012 Annual Report falls within the exemption stated in Finding (5);
- (7) Petitioner's 2012 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 Public Utilities Act for a period of two (2) years from the date of this Order;
- (8) Petitioner should submit with its 2012 Annual Report a cover letter indicating that proprietary treatment was granted in this Docket and identifying the date on which this Order was entered;
- (9) Petitioner should file a public version of its 2012 Annual Report in conjunction with the proprietary version that is the subject of this Docket.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the 2012 Annual Report for L.R. Communications, Inc. be afforded proprietary treatment, is exempt from public disclosure, and will be accessible only by the Commission and the Commission Staff for a period of two (2) years from the date of this Order.

IT IS FURTHER ORDERED that a cover letter shall be submitted with the 2012 Annual Report, filed by the Petitioner indicating that proprietary treatment was granted in this Docket and identifying the date on which this Order was entered.

IT IS FURTHER ORDERED that Petitioner shall file a public version of its 2012 Annual Report in conjunction with the proprietary version that is the subject of this Docket.

IT IS FURTHER ORDERED that the Illinois Commerce Commission retains jurisdiction over for L.R. Communications, Inc. 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 Public Utilities 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 19th day of December, 2012.

(SIGNED) DOUGLAS P. SCOTT

Chairman