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2013 DEC -6 P 4: 19

Petition to Modify)
911 Provider for Jackson County)
Emergency Telephone System Board,)
Jackson County, Illinois)

No. 13-0669 CHIEF CLERK'S OFFICE

VERIFIED PETITION FOR PROPRIETARY TREATMENT OF AMENDED AND RESTATED 9-1-1 SYSTEM PROVIDER AGREEMENT

NOW COMES the Jackson County Emergency Telephone System Board (JCETSB) by its attorney, John R. Clemons of the Southern Illinois Law Center, LLC, and respectfully petitions the Illinois Commerce Commission to grant proprietary treatment of its Amended and Restated 9-1-1 System Provider Agreement by and between the petitioner and NG-911, Inc. In support of this request, the JCETSB states as follows:

1. As an operating emergency telephone system, the JCETSB is subject to the jurisdiction of the Illinois Commerce Commission. The JCETSB has filed a Verified Petition to Modify 9-1-1 System Provider and is also seeking approval of Plan Modification which includes a narrative and exhibits 1-11.

2. Due to the content and nature of the filing, there is included a document entitled Amended and Restated 9-1-1 System Provider Agreement together with attached exhibits A, B, C, and D.

3. The information contained in the Amended And Restated 9-1-1 System Provider Agreement (hereinafter agreement) is a contractual agreement between the JCETSB and NG-911, Inc. and contains within the document at paragraph 11 a non-disclosure provision which the parties have agreed upon. Said agreement states as follows:

11. Disclosure of Information. With respect to this Agreement and the CSI Project, CSI and CSI Member decisions on withholding information from public disclosure are subject to potential review by Board Counsel, the Attorney General, and the courts. CSI and the CSI Members assume no liability for the

disclosure of any information that it is advised to disclose by Counsel, the Attorney General, or the courts. Notwithstanding the foregoing, technical information will be subject to public examination, except for proprietary information clearly designated as such by NG-911. The terms of this Agreement will be held in confidence by CSI and the CSI Members to the extent allowed by law and will not be disclosed to or discussed with NG-911's competitors. The parties acknowledge that CSI and/or the CSI Members may be required to disclose, or may desire to disclose, information regarding the CSI Project to other entities involved in the CSI Project, including Clearwave, the agencies involved in providing federal or state grants (such as the NTIA), NENA, IIT, SIU or other companies, individuals or governmental agencies. CSI and the CSI Members agree to limit disclosure of information to those with a "need to know" such information; and agree to not disclose information clearly designated as proprietary by NG-911 to third parties without the consent of NG-911.

4. To disclose the agreement would violate the disclosure of information provisions of the contract between NG-911, Inc. and the JCETSB which is one of the contracting 9-1-1 systems.

5. The contract is not public information and NG-911, Inc and the JCETSB as well as the umbrella organization, CSI - Counties of Southern Illinois, an Illinois non-profit corporation of which the JCETSB is a member, have maintained the agreement in confidence in the ordinary course of their business. The agreement includes proprietary commercial and financial information with respect to database management, initial database load, error resolution, and costs allocations, as well as contract termination provisions. The information is customer specific and has proprietary value. Disclosure would cause competitive harm as well as violating the contractual provisions between JCETSB and its umbrella organization, CSI - Counties of Southern Illinois, and NG-911, Inc.

6. Section of 7 of Illinois Freedom of Information Act, 5 ILCS 140/7 (g) exempts from public disclosure trade secrets and commercial or financial information ... where such trade secrets or information are proprietary, privileged, or confidential. The agreement that is the subject of this requested petition falls within that exemption.

7. The Commission pursuant to 83 Ill. Admin. Code Section 200.430 clearly has authority to protect against disclosure of confidential and proprietary financial or commercial information. It is reasonable and necessary that the agreement be maintained as confidential information for a period of 5 years pursuant to a protective order.

WHEREFORE, the JCETSB respectfully requests that the Commission issue an order granting proprietary treatment and protecting from disclosure in its entirety for a period of 5 years the Amended and Restated 9-1-1 System Provider Agreement by and between NG-911, Inc and the Jackson County Emergency Telephone System Board as one of individual member 9-1-1 systems of CSI - Counties of Southern Illinois, an Illinois non-profit corporation.

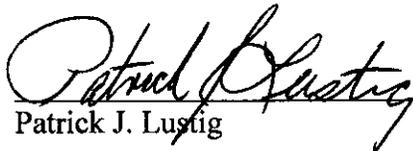
Respectfully submitted,
JACKSON COUNTY EMERGENCY
TELEPHONE SYSTEM BOARD (JCETSB)

By: 
John R. Clemons
Attorney for JCETSB

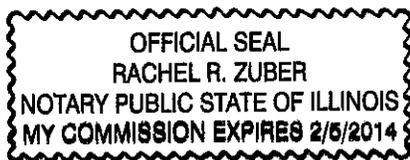
STATE OF ILLINOIS)
)
COUNTY OF JACKSON) ss

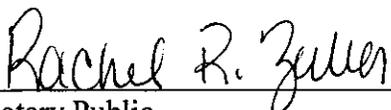
VERIFICATION

I, Patrick J. Lustig, being first duly sworn, states that I am the Director of the Jackson County Emergency Telephone System Board and I have read the foregoing Verified Petition which seeks proprietary treatment for the Amended and Restated 9-1-1 System Provider Agreement and I have knowledge of the contents thereof and that the information contained therein is true to the best of my knowledge, information, and belief.


Patrick J. Lustig

Subscribed and sworn to before me 4th day of December, 2013.




Rachel R. Zuber
Notary Public

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Petition to Modify)
911 Provider for Jackson County) **No.**
Emergency Telephone System Board,)
Jackson County, Illinois)

**NOTICE TO ALL PARTIES OF INTEREST
OF FILING AND CERTIFICATION OF SERVICE**

TO: Mr. Michael K. Davis Senior Account Executive Frontier Communications 112 W. Elm Street Sycamore, IL 60178 <u>michael.f.davis@ftr.com</u>	Ms. Karen Boswell Frontier Communications 104 W. Mulberry Street Normal, IL 61761 <u>karen.boswell@ftr.com</u>	Mr. Kevin Jacobsen Egyptian Telephone 1010 W. Broadway Steeleville, IL 62288
Mr. Richard W. Hird Attorney for NG-911, Inc. Petefish, Immel & Hird, LLP. 842 Louisiana Street Lawrence, KS 66044 <u>rhird@petefishlaw.com</u>	Mr. Michael Ramsey, CEO NG-911, Inc. 815 South Highland Williamsburg, IA 52361 <u>mramsey@ng-911inc.com</u>	
Ms. Marci Schroll-Elliott 9-1-1 Program Manager Illinois Commerce Commission 527 East Capitol Ave. Springfield, IL 62794-9280 <u>melliott@icc.illinois.gov</u>	Ms. Nancy J. Hertel General Attorney Illinois Bell Telephone Company 225 W. Randolph Street, Room 25D Chicago, IL 60606 <u>nwl783@att.com</u>	
Mr. Matthew L. Harvey Office of General Counsel Illinois Commerce Commission 160 N. LaSalle Street, Suite C-800 Chicago, IL 60601-3104 <u>mharvey@icc.illinois.gov</u>	Mr. Matt Johnson President Illinois Telecommunications Assoc. 312 S. Fourth Street, Suite 100 Springfield, IL 62701 <u>m.johnson@il-ita.com</u>	

PLEASE TAKE DUE NOTICE that the Jackson County Emergency Telephone System Board (JCETSB) has caused to be filed with the Illinois Commerce Commission the enclosed and attached:

Verified Petition to Modify
911 System Provider

9-1-1 SYSTEM PROVIDER AGREEMENT

The filing of the Petition was by hand delivery to the Illinois Commerce Commission at its offices at 527 East Capitol Avenue, Springfield, Illinois 62974-9280 on the 5TH day of December, 2013 and email to the above persons on the same date. I hereby certify that the Verified Petition to Modify 911 System Provider was served and filed as indicated above.

JACKSON COUNTY EMERGENCY
TELEPHONE SYSTEM BOARD
(JCETSB)

By:


John R. Clemons
Attorney for the JCETSB

John R. Clemons
Attorney at Law
Southern Illinois Law Center
813 W. Main Street
Phone: 618-529-4000
Fax: 618-529-3805
silc@silclaw.net