

ORIGINAL

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS
COMMERCE COMMISSION

ILLINOIS COMMERCE
COMMISSION

2014 JUN 26 A 9:04

Petition to Modify)
9-1-1 Provider for Perry County)
Emergency Telephone System Board,)
Perry County, Illinois)

No. **140440**
CHIEF CLERK'S OFFICE

**VERIFIED PETITION FOR PROPRIETARY TREATMENT OF CERTAIN
DATA AND INFORMATION**

Now comes the Perry County Emergency Telephone System Board (PCETSB) 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 a portion of its Petition to Modify 9-1-1 System Provider filed in this proceeding. In support of this request, the PCETSB seeks to avoid public disclosure of Exhibits 7 & 11 and states as follows:

1. As an operating emergency telephone system, the PCETSB is subject to the jurisdiction of the Illinois Commerce Commission. The PCETSB 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 1-12.6.

2. Due to the content and nature of the filing, there is included within Exhibit 7 financial data on system costs to the proposed provider NG-911, Inc. of Williamsburg, Iowa. Within Exhibit 11 there is additional financial data in the 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 Exhibits 7 & 11 is based upon a contractual agreement between the PCETSB and NG-911, Inc. should not be publically disclosed as it contains financial data and business agreements of a propriety nature which if

released publically would violate 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 financial provider costs to NG-911, Inc. in Exhibits 7 & 11 would violate the disclosure of information provisions of the contract between NG-911, Inc. and the PCETSB and possibly damage NG-911 by publically disclosing its financial arrangements with the PCETSB.

5. The contract is not public information and NG-911, Inc. and the PCETSB as well as the umbrella organization, CSI - Counties of Southern Illinois, an Illinois non-profit corporation of which the PCETSB is a member, have maintained the agreement in confidence in the ordinary course of their business. The information is customer specific and has proprietary value.

Disclosure would cause competitive harm as well as violating the contractual provisions between PCETSB 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 data

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 financial agreements be maintained as confidential information for a period of 5 years pursuant to a protective order.

WHEREFORE, the PCETSB 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 financial data in Exhibits 7 & 11 that pertains to the system costs payable to NG-911, Inc. by the Perry County Emergency Telephone System Board.

Respectfully submitted,
PERRY COUNTY EMERGENCY
TELEPHONE SYSTEM BOARD (PCETSB)

By: 
John R. Clemons
Attorney for PCETSB

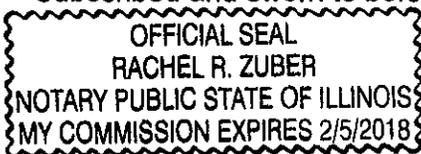
STATE OF ILLINOIS)
)
COUNTY OF PERRY) ss

VERIFICATION

I, James R. DeMent, first being duly sworn under oath, depose and say that I am the Director of the Perry County Emergency Telephone System Board, a government entity, and that I have read the above and foregoing petition by me subscribed and know the contents thereof; that said contents are true in substance and in fact to the best of my knowledge and information. I believe the petition is accurate and true.


James R. DeMent

Subscribed and sworn to before me this 24th day of June, 2014.




Notary Public