

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

In the Matter of the Application of)	
Crown Castle NG Central LLC for a)	
Certificate of Authority to Provide)	TC 14-_____
Non-Switched Local Transport Services)	
In the State of South Dakota)	

**PETITION FOR CONFIDENTIAL TREATMENT OF
APPLICANT'S FINANCIAL STATEMENTS**

Pursuant to ARSD 20:10:01:41, Crown Castle NG Central LLC ("Crown Castle") hereby requests confidential treatment of its current financial statements, which are attached hereto and marked "**Confidential and Proprietary**" on each page. The attached statements are intended to be Exhibit E of Crown Castle's Application for a Certificate of Authority to Provide Non-Switched Local Transport Services in the State of South Dakota ("Application") filed with the South Dakota Public Utilities Commission ("Commission"). Because this Petition is an inseparable part of Crown Castle's Application, it is being filed concurrently therewith. In support of this Petition, Crown Castle hereby states as follows:

I. IDENTIFICATION OF THE SUBJECT MATTER

The Application requires Crown Castle to disclose evidence of its financial capability by submitting documentation of its financial resources. Pursuant to this requirement, Crown Castle is submitting copies of its most recent financial statements. These documents contain highly confidential and strictly proprietary information, the public disclosure of which would result in material damage to Crown Castle's financial and competitive position in South Dakota and in other states where Crown Castle currently is doing business.

II. LENGTH OF TIME FOR WHICH CONFIDENTIALITY IS REQUESTED

Crown Castle request that its financial statements be maintained as confidential indefinitely.

III. CONTACT INFORMATION

All correspondence, notices, inquiries, and other communications regarding this Motion should be addressed to:

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IV. STATUTORY AND ADMINISTRATIVE GROUNDS FOR CONFIDENTIAL TREATMENT

Crown Castle requests confidentiality pursuant to §§ 20:10:01:41 and 20:10:01:39(4) of the Commission's Rules and South Dakota Code § 37-29-1(4), which defines the term "trade secret" under South Dakota law.

V. FACTUAL BASIS FOR CONFIDENTIAL TREATMENT

The attached financial statements fit squarely within the definition of a “trade secret” under § 20:10:01:39(4) of the Commission’s Rules and South Dakota Code § 37-29-1(4).¹ As a privately-held company, Crown Castle’s financial qualifications are not readily ascertainable. Crown Castle currently has no legal obligation to prepare or submit projected financial statements, or to report any financial information to a public entity. Further, the unavailability of this information derives independent economic value for Crown Castle because the disclosure of such information would jeopardize Crown Castle’s ability to compete in the provision of telecommunications services in South Dakota. Crown Castle is not a public corporation and its financial and business information is uniquely sensitive.

Crown Castle takes considerable efforts to maintain the secrecy of the information contained in its financial statements. Financial information of this type is not publicly disseminated, and Crown Castle takes reasonable steps to guard this information internally as well. Its disclosure is limited to Crown Castle’s senior officers, its counsel, and employees of the company who are directly involved with Crown Castle’s financial operations. Furthermore, when required to submit financial information to public authorities, all such information is clearly stamped “confidential” and is accompanied by formal requests to maintain the confidentiality of the information and withheld from public disclosure.

¹ A “trade secret” is defined in South Dakota Code § 37-29-1(4) as “information, including a formula, pattern, compilation, program device, method, technique or process that (i) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and (ii) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.”

WHEREFORE, Crown Castle respectfully requests that the Commission deem the attached financial statements of Crown Castle to be confidential and protected from disclosure under the procedures set forth in §§ 20:10:01:40 and 20:10:01:43 of the Commission's Rules.

Respectfully submitted,



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