

**Before the
South Dakota Public Utilities Commission
Pierre, South Dakota 57501**

In the Matter of the Application of)
Celerity Networks LLC)
for a Certificate of Authority to) TC21- _____
Provide Local Exchange)
Telecommunications Services in the)
State of South Dakota)

PETITION FOR CONFIDENTIAL TREATMENT

Pursuant to S.D. Admin. R. 20:10:01:41, Celerity Networks LLC (“Celerity Networks,” or “Petitioner”) hereby requests confidential treatment of the financial statements provided as Exhibit B to Petitioner’s Application for a Certificate of Authority to Provide Local Exchange Telecommunications Services in the State of South Dakota (“Application”), which are submitted separately and marked “**Confidential.**” The financial statements are intended to supplement Celerity Networks’ Application filed simultaneously herewith with the South Dakota Public Utilities Commission (“Commission”).

In support of this Petition, Celerity Networks hereby states as follows:

I. IDENTIFICATION OF THE SUBJECT MATTER

The Application requires Celerity Networks to disclose evidence of its financial capability by submitting documentation of its financial resources. *See* S.D. Admin. R. 20:10:32:03(12). Pursuant to this requirement, Celerity Networks is submitting a copy of its most recent financial statements. This document contains highly confidential and strictly proprietary information, the public disclosure of which would result in material damage to Petitioner’s financial and competitive position in South Dakota.

II. LENGTH OF TIME FOR WHICH CONFIDENTIALITY IS REQUESTED

Petitioner requests that the financial statements be maintained as confidential indefinitely.

III. CONTACT INFORMATION

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

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IV. STATUTORY AND ADMINISTRATIVE GROUNDS FOR CONFIDENTIAL TREATMENT

Petitioner requests confidentiality pursuant to S.D. Codified Laws § 37-29-1(4), which defines the term “trade secret,”¹ and S.D. Admin. R. 20:10:01:41 and 20:10:01:39(4).

V. FACTUAL BASIS FOR CONFIDENTIAL TREATMENT

The attached financial statements fit squarely within the above-referenced definition of “trade secret.” As a privately held company, Celerity Networks’ financial qualifications are not readily ascertainable. Celerity Networks 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 Celerity Networks because disclosure of such information would jeopardize Celerity Networks’ ability to compete in

¹ A “trade secret” is defined 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.” S.D. CODIFIED LAWS § 37-29-1(4).

the provision of telecommunications services in the State of South Dakota. Celerity Networks is not a public company, and its financial and business information are uniquely sensitive.

Celerity Networks takes considerable efforts to maintain the secrecy of the information contained in the financial statements. Financial information of this type is not publicly disseminated, and Celerity Networks takes reasonable steps to guard this information internally as well. Its disclosure is limited to Celerity Networks' management, its counsel, and employees of the company who are directly involved with its financial operations. Furthermore, when required to submit financial information to public authorities, all such information is clearly stamped "Confidential," is accompanied by formal requests to maintain the confidentiality of the information, and is withheld from public disclosure.

CONCLUSION

WHEREFORE, Celerity Networks LLC respectfully requests that the Commission deem the attached financial statements as confidential and protected from public disclosure under the provisions set forth in S.D. Admin. R. 20:10:01:40, and 20:10:01:43.

Respectfully submitted,

/s/

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