

# STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION  
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## FILED

MAY 31 2007

INDIANA UTILITY  
REGULATORY COMMISSION

CAUSE NO. 42144

IN THE MATTER OF THE INVESTIGATION )  
ON THE COMMISSION'S OWN MOTION, )  
UNDER INDIANA CODE § 8-1-2-72, INTO ANY )  
AND ALL MATTERS RELATING TO THE )  
COMMISSION'S MIRRORING POLICY )  
ARTICULATED IN CAUSE NO. 40785 AND THE )  
EFFECT OF THE FCC'S MAG ORDER ON )  
SUCH POLICY, ACCESS CHARGE REFORM, )  
UNIVERSAL SERVICE REFORM, AND HIGH )  
COST OR UNIVERSAL SERVICE FUNDING )  
MECHANISMS RELATIVE TO TELEPHONE )  
AND TELECOMMUNICATIONS SERVICES )  
WITHIN THE STATE OF INDIANA )

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") caused the following entry to be made:

On April 20, 2007, the Presiding Officers issued a Docket Entry regarding implementation of the Commission's Order issued in this matter on March 17, 2004. The Docket Entry stated, inter alia, that:

As the Final Order requires the Commission to establish the Initial Surcharge Percentage, we find that on or before June 1, 2007, each carrier shall submit its net billed intrastate retail telecommunications revenue to the Commission for the year 2006. To the extent that a carrier believes that such information may properly be afforded confidential treatment it may file a request for confidential treatment under this Cause pursuant to the Commission's rules under 170 I.A.C. 1-1.1-4. Such requests for confidentiality shall be filed on or before May 25, 2007, to allow for timely consideration of the request by the Commission.

Docket Entry at 6.

On May 25, 2007, United States Cellular Corporation ("US Cellular") filed an *Application for Finding of Confidentiality* ("Motion"). In its Motion, US Cellular indicates that certain information ("Confidential Information") that it intends to submit in this matter, contains trade secrets as that term is defined under Indiana Code 24-2-3-2. Information containing trade secrets is exempted from public disclosure under Indiana Code 5-14-3-4(a)(4). In support of its

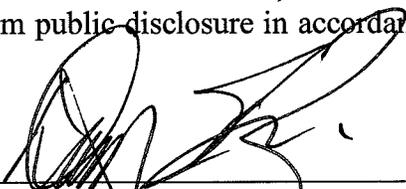
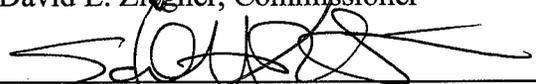
Motion, US Cellular included the sworn *Affidavit of Grant B. Spellmeyer- US Cellular's Director* ("Affidavit"). The Affidavit has been placed in the Commission's official file in this matter and is hereby incorporated by reference.

170 I.A.C. 1-1.1-4 governs the submission of confidential or privileged information to the Commission, and requires the applicant to apply for a finding by the Commission that the information is confidential. The application must be accompanied by the sworn statement or testimony of a party that describes: 1) the nature of the confidential information; 2) the reasons why the information should be treated as confidential pursuant to Ind. Code. 8-1-2-29 and 5-14-3; and, 3) the efforts the party has made to maintain the confidentiality of the information.

Unlike the report of annual *gross revenue* that is statutorily required to be submitted annually to the Commission pursuant to Ind. Code 8-1-6-5, and may not be afforded confidential treatment under the public records act, the submission of *net revenue* in this matter is for purposes of implementing the Final Order in this Cause and is not statutorily required to be submitted to the Commission.

Accordingly, the Presiding Officers, having considered US Cellular's Motion and accompanying Affidavit, find there is sufficient basis for a determination that the Confidential Information should be held as confidential by the Commission on a preliminary basis. Counsel for US Cellular shall hand deliver the Confidential Information to the Presiding Administrative Law Judge. The Confidential Information should be on light green paper, in a sealed envelope clearly marked confidential with the Cause No. noted thereon, and will be treated as confidential on a preliminary basis and excepted from public disclosure in accordance with Indiana Code 5-14-3.

**IT IS SO ORDERED.**

  
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David E. Ziegner, Commissioner  
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Scott R. Storms, Chief Administrative Law Judge

*May 31, 2007*  
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Date