BEFORE THE

GEORGIA PUBLIC SERVICE COMMISSION

In Re:	)	
	)	
Application of LiveOak Fiber, LCC. for a	)	
Certificate of Authority to Provide Competitive	)	**Docket No. _____**
Local Exchange Service	)	
	)	
	)	

LiveOak Fiber, LCC
PETITION FOR CONFIDENTIAL TREATMENT OF TRADE SECRET

COMES NOW LiveOak Fiber, LCC (hereinafter "LiveOak" or "Company") pursuant to Rule 515-3-1-.11 of the Rules of the Georgia Public Service Commission ("Commission"), hereby files this petition ("Petition") requesting trade secret treatment for Confidential Exhibit F of LiveOak's Application for Certificate of Authority to Provide Competitive Local Exchange Service in Georgia ("Application"). In support of this Petition, LiveOak states as follows:

1. LiveOak asserts that the Application requires it to provide the Commission staff with information that is confidential, proprietary and a trade secret as defined in O.C.G.A. Section 10-1-761(4). The Commission Application form requires LiveOak to provide "the most recent certified report on the examination of LiveOak's financial statements along with business plan assumptions. If LiveOak does not have certified financial reports provide this commission with certified documentation of funds to be used for capitalization." Exhibit "F" is responsive to this request in the Application and includes trade secret documents ("Trade Secret Documents") which are redacted in their entirety because, as described below, they consist of financial data and financial plans.

2. Pursuant to O.C.G.A. § 10-1-760 *et seq*., including O.C.G.A. § 10-1-761(4), Commission Rule 515-3-1-.11 governing trade secrets, and other law, LiveOak requests trade secret treatment of the Trade Secret Documents, for the following reasons. Commission Rule

515-3-1-.11(1)(c) sets forth that the LiveOak shall provide by written affidavit the legal and factual basis for its assertion that the Trade Secret Documents constitute trade secrets and should not be disclosed, including, for each item claimed to be a trade secret:

(1) Why the information derives economic value from not being generally known to others;

(2) How others can obtain economic value from its disclosure; and

(3) Procedures utilized by Petitioner to maintain its secrecy.

This statement is submitted to meet these requirements.

6. Pursuant to Commission Rule 515-3-1-.11(1)(a), LiveOak is submitting the Trade Secret Documents to the Commission under protective seal with the designation "CONFIDENTIAL / TRADE SECRET VERSION" prominently displayed thereon. Pursuant to Commission Rule 515-3-1-.11(1)(b), and because the Trade Secret Documents constitute protected trade secret information in their entirety, redacted public disclosure versions of said documents are not being submitted.

3. The information for which confidential treatment is being requested reveals various trade secrets of LiveOak. Details regarding LiveOak's 2023 financial statements, as well as its financial projections for the next three years provide information that is not publicly available or known. Moreover, this investment information is highly valuable because such information indicates the size and scope of the Company's business plans for investment in Georgia. LiveOak considers such information to be trade secrets and proprietary, confidential business information which, if disclosed, would be of benefit to competitors and cause harm to the Company and its customers. The confidentiality of such information provides LiveOak an economic benefit that is not known to or readily ascertainable by other persons. Such

information is economically valuable to LiveOak and its competitors. LiveOak treats such information as confidential and utilizes internal processes and procedures to maintain its secrecy.

4. Public disclosure of LiveOak's audited financial statements and its financial projections for the next three years would be highly damaging to LiveOak's business. This information is valuable to LiveOak because it is used in formulating plans and strategies, and valuable to competitors because it provides them with better information as to the ability of LiveOak to compete in markets throughout Georgia. Although LiveOak's service offerings and products are public, the information for which confidential treatment is sought is not readily or easily ascertainable by other parties and not disclosed by LiveOak in a public manner. Indeed, any disclosure of the subject LiveOak trade secret information would be especially damaging since the information indicates LiveOak financials and sheds light on LiveOak's future business plans in Georgia.

5. A trade secret is defined in the Georgia Trade Secrets Act of 1990, section 10-1-761(4), Georgia Code, to mean:

> information, without regard to form, including, but not limited to, technical or nontechnical data, a formula, a pattern, a compilation, a program, a device, a method, a technique, a drawing, a process, financial data, financial plans, product plans, or a list of actual or potential customers or suppliers which is not commonly known by or available to the public and which information:
> (A) Derives 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
>
> (B) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

The specific information regarding LiveOak's 2023 financial statements and financial projections plainly meets the trade secret definition set forth above.

6. The information set forth in Exhibit "F" has been the subject of efforts that are

reasonable under the circumstances to maintain its secrecy. LiveOak maintains the secrecy of the information contained within the Trade Secret Documents by retaining possession and control of the information, and by not disclosing such information to others not subject to confidentiality restrictions. LiveOak takes all appropriate and legal measures to ensure that the Trade Secret Documents are disseminated internally only to those with a need to know such information.

7. LiveOak shall maintain a master list of all filings submitted to the Commission pursuant to Rule 515-3-1-.11(d) governing trade secrets. LiveOak's master list will identify the document submitted, the number of copies submitted, and the docket number related to Petitioner's filing.

WHEREFORE, LiveOak respectfully requests that the Commission:

(a) designate the attached Trade Secret Documents as confidential and proprietary trade secret information under Commission Rule 515-3-1-.11;

(b) preserve the secrecy of the Trade Secret Documents, including as regards their use in deposition, by all appropriate means, including requiring other parties to enter into confidentiality agreements pursuant to Commission Rule 515-3-1-.11, the granting of protective orders, holding in-camera hearings, sealing the records of the action, and ordering any person involved in the above-referenced proceeding not to disclose the same, pursuant to O.C.G.A. § 10-1-765; and

(c) grant LiveOak such other relief as necessary to protect the confidentiality of this information.

Respectfully submitted this 21st day of March, 2023.

WOMBLE BOND DICKINSON (US) LLP



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ATTORNEY FOR LIVEOAK FIBER, LLC

AFFIDAVIT

STATE OF GEORGIA

COUNTY OF GLENN

Jody Craft, President, for LiveOak Fiber, LLC, being first duly sworn on oath, deposes, states and affirmatively declares that, in his knowledge, information and belief, the statements in paragraphs 3 and 4 herein are true and accurate and set forth the factual and legal bases for the assertions herein that Exhibit "F" constitutes protected trade secrets and should not be disclosed.

Jody Craft

Subscribed and sworn before me
this 21 day of March 2023

LEANDRA VALERO
Notary Public, State of Texas
Comm. Expires 01-27-2026
Notary ID 133557408

NOTARY PUBLIC
My Commission expires:

EXHIBIT "1"

LIVEOAK FIBER LLC CONSOLIDATED BALANCE SHEET AND A CONSOLIDATED STATEMENT OF INCOME AND CHANGES IN MEMBERS' EQUITY

Redacted in their entirety

Is a certificate of service needed if we file online

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing Trade Secret Petition, by depositing same in the United States mail in a properly addressed envelope with adequate postage thereon to insure delivery to the following parties:

Mr. Leon Bowles
Director, Telecommunications
Georgia Public Service Commission
244 Washington Street, S.W.
Atlanta, Georgia 30334

This the 21st day of March, 2023.



ELLIS BARLOW KEENER, JR.
Georgia Bar No. 410865

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