STATE OF NEBRASKA)
)ss.
COUNTY OF HAMILTON)

AFFIDAVIT OF JOHN NELSON
IN SUPPORT OF CLAIMS THAT INFORMATION
IS PROTECTED UNDER GEORGIA LAW
FROM DISCLOSURE TO THE PUBLIC

PERSONALLY APPEARED before the undersigned officer, authorized to administer oaths, John Nelson, Affiant who, first being duly sworn, testifies as follows:

1. My name is John Nelson. I am of the age of majority and am competent in all respects to give this Affidavit. My testimony herein is based on personal knowledge and upon documents maintained in the files of the Hamilton Relay, Inc. ("Hamilton").

2. Hamilton is a corporation headquartered in Aurora, Nebraska. I am the President of Hamilton and, in my role as President, I am authorized to provide this Affidavit on behalf of Hamilton.

3. On January 25, 2025, Hamilton submitted duplicate copies of Attachment E – Price Quotation, Attachment G – Financial Statements, Attachment M – Traffic Reports, and Attachment N – Network Map, one redacted copy designated "Public Disclosure Document" and the non-redacted copy designated "Trade Secret" (collectively referred to hereinafter as the "Submittal"), to the Georgia Public Service Commission (the "PSC") in response to the PSC's Request for Proposal for Telecommunications Relay Service (TRS) Provider for the State of Georgia and in compliance with the PSC's Trade Secret Rule 515-3-1-.11 of the Georgia Administrative Code, pursuant to the claim that the Submittal is Protected Under Georgia Law from Disclosure to the Public.

4. I affirmatively declare that information contained in the Submittal to the PSC constitute trade secrets pursuant to Article 27 of Chapter 1 of Title 10 of the Georgia Code and is thereby protected under the Georgia Open Records Act, O.C.G.A. § 50-18-70, *et seq.*, from disclosure to the public and that the "Public Disclosure Document" is submitted to PSC for disclosure to the public as is. Support for this declaration, including citation to the specific provisions of Georgia law, is included below.

5. The Georgia Open Records Act provides in pertinent part that –

(a) Public disclosure shall not be required for records that are:

(34) Any trade secrets obtained from a person or business entity that are required by law, regulation, bid, or *request for proposal* to be submitted to an agency. An entity submitting records containing trade secrets that wishes to keep such records confidential under this paragraph shall submit and attach to the records an affidavit affirmatively declaring that specific information in the records constitute trade secrets pursuant to Article 27 of Chapter 1 of Title 10.

O.C.G.A. § 50-18-72(a)(34).

6. The Georgia Trade Secrets Act, O.C.G.A. § 10-1-760, *et seq.*, provides that a -

(4) 'Trade secret' means 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.

O.C.G.A. § 10-1-761(4).

7. The Submittal was required to be submitted to PSC pursuant to the Request for Proposal for Telecommunications Relay Service (TRS) Provider for the State of Georgia.

8. On behalf of Hamilton, I affirmatively declare that the Pricing Statements, Attachment G – Traffic Reports, and Financial Statements in the Submittal constitute trade secrets pursuant to the Georgia Trade Secrets Act as shown herein.

9. Pursuant to Rule 515-3-1-.11(1)(c), Attachment E – Price Quotation, Attachment G – Financial Statements, Attachment M – Traffic Reports, and Attachment N – Network Map, include both technical and nontechnical information, as well as financial data, all of which are held as confidential and proprietary by Hamilton. These documents derive economic value by not being known to others, especially competitors of Hamilton. Further, the disclosure of such documents serves no public benefit. Hamilton's competitors could directly use the financial and pricing information and attempt to replicate the traffic and network information, in ways that are detrimental to Hamilton as a going concern. Hamilton maintains the secrecy of all such information by retaining sole possession and control of such information, which is at all times labeled "Confidential and Proprietary," and by not disclosing such information to others.

10. Hamilton understands that receipt by PSC of this Affidavit and the Submittal does not mean that PSC agrees or has made a determination that the information identified in this Affidavit is protected under the Georgia Open Records Act from disclosure to the public. However, for claims made in this Affidavit that information in the Submittal constitute trade secrets pursuant to the Georgia Trade Secrets Act, I understand that Section 50-18-72(a)(34) of the Georgia Open Records Act and Rule 515-3-1-.11 of the Georgia Administrative Code proscribe procedures for producing such information in response to a request under that Act and Code, respectively.

FURTHER Affiant saith not.

by John Nelson
President
Hamilton Relay, Inc.
1006 12th Street
Aurora, Nebraska 68818
(402) 694-5101
john.nelson@hamiltontel.com

Subscribed and sworn to before me this 15th day of January 2024.

[NAME of Notary Public]

GENERAL NOTARY - State of Nebraska
SHAYE M. WALKER
My Comm. Exp. October 8, 2025

My Commission expires: October 8, 2025