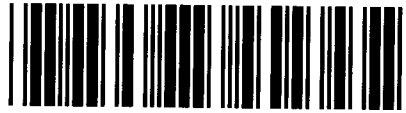




Control Number: 40110



Item Number: 1

Addendum StartPage: 0



GVNW CONSULTING, INC.

1001 WATER STREET, STE. A-100
KERRVILLE, TX 78028
TEL 830.896.5200
FAX 830.896.5202

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January 13, 2012

Ms. Tracie Lowery
Filing Clerk
Public Utility Commission of Texas
1701 North Congress Avenue
Austin, TX 78711

RE: Docket No. 40110 – *Application of Delcoms, Inc. for a Service Provider Certificate of Operating Authority*

Dear Ms. Lowery:

On behalf of Delcom, Inc. (“Applicant”), I am submitting an original and six (6) copies of the enclosed Application for a Service Provider Certificate of Operating Authority. Due to the competitively sensitive nature of some of the responses required by the Commission, the Applicant respectfully requests approval of the enclosed Attachment B, Motion for a Protective Order. The Applicant has submitted such competitively sensitive responses in Attachment C, under separate seal and requests that these responses and supporting documentation be treated as confidential and proprietary information.

Please direct any questions regarding this filing to me at (830) 895-7233, or jmiller@gvnw.com. Thank you for your attention to this matter

Sincerely,

James A. Miller
Authorized Representative for
Delcom, Inc.

Enclosures

cc: Denny Bergstrom, Delcom, Inc.

APPLICATION FOR CERTIFICATION FOR A
SERVICE PROVIDER CERTIFICATE OF OPERATING AUTHORITY

DOCKET NO. 40110

APPLICANT: Delcom, Inc.

Authorized Representative for this Application:

NAME: James A. Miller TITLE: Authorized Representative

ADDRESS: 1001 Water Street, Suite A-100, Kerrville, Texas 78028

TELEPHONE: (830) 895-7233 FAX: (830) 896-5201

EMAIL ADDRESS: jmiller@gvnw.com

Regulatory Representative:

NAME: James A. Miller TITLE: Authorized Representative

ADDRESS: 1001 Water Street, Suite A-100, Kerrville, Texas 78028

TELEPHONE: (830) 895-7233 FAX: (830) 896-5201

EMAIL ADDRESS: jmiller@gvnw.com

Complaint Representative:

NAME: Ellis McCasland TITLE: CLEC Manager

ADDRESS: 1610 Main St., P.O. Box 67, Dell City, TX 79837

TELEPHONE: (915) 964-2352 FAX: (915) 964-2402

EMAIL ADDRESS: ellism@dellcity.com

AFFIDAVIT

STATE OF TEXAS §
 §
COUNTY OF HUDSBETH §

1. My name is Denny Bergstrom. I am the General Manager of Delcom, Inc., the Applicant in this Application.

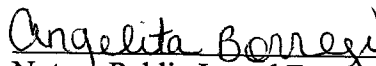
2. I swear or affirm that I have personal knowledge of the facts stated in this Application for a Service Provider Certificate of Operating Authority, that I am competent to testify to them, and that I have the authority to make this Application on behalf of the Applicant. I further swear or affirm that all of the statements and representations made in this Application for a Service Provider Certificate of Operating Authority are true and correct. I swear or affirm that the Applicant understands and will comply with all requirements of law applicable to a Service Provider Certificate of Operating Authority.

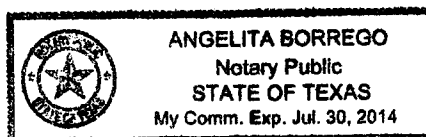
Further Affiant sayeth not.


Signature

Denny Bergstrom
Typed or Printed Name

SWORN TO AND SUBSCRIBED before me on the 6th day of December, 2011.


Notary Public In and For the
State of Texas



1. Check one or more of the following Requests:

(a) Check only one.

New SPCOA Application

Amended SPCOA Application
Amending SPCOA No. _____

New COA Application

Amended COA Application
Amending COA No. _____

(b) If you are filing an amendment, check one or more of the following as requests made in this amendment filing:

Name Change Amendment

Certification Relinquishment

Change in Ownership/Control

Service Discontinuation

Change in Service Area

Change in Type of Provider

Corporate Restructuring

Other

(c) Provide a summary explanation of all items checked in "b" above.

2. Provide a description of the Applicant, which shall include the following:

- (a) Legal name and all assumed names under which the Applicant conducts business, if any;

Delcom, Inc.

- (b) Address of principal office and business office;

Physical Principal and Business Office Address:

**610 S Main St.
Dell City, Texas 79837**

Mailing Principal and Business Office Address:

**P.O. Box 67
Dell City, Texas 79837-0067**

- (c) Principal office/business office telephone number

Fax number

Website address

E-mail address

Toll-free customer service telephone number. *(If the Applicant has not obtained the toll-free customer service telephone number at the time of the Application, the Applicant must commit to obtaining one before beginning business);*

Tel. No. - (915) 964-2352

Fax No. - (915) 964-2402

Website Address - www.delltelephone.com

E-mail address - dtci@dellcity.com

Toll Free Number - (800) 245-2991

- (d) FCC Carrier Identification Code (CIC) or National Exchange Carriers Association (NECA) Operating Carrier Numbers (OCNs), if available;

CIC Code 5745

Applicant has not applied for an OCN at this time

- (e) Form of business in Texas (e.g., corporation, partnership, sole proprietorship), Charter/Authorization number, date business was formed and date change was made (if applicable). Provide the State and date in which parent company is

registered. (*The Commission requires registration with the Secretary of State for all forms of business, except sole proprietorships.*)

Form of business: Corporation
State: Texas
Certification No.: 1415934
Date Formed: December 8, 1988

- (f) A list of the names, titles, phone number and office e-mail address of each director, officer, or partner;

Name and Title of each director:

Larry Brewton, Board President
PO Box 468
Dell City, TX 79837

Rob Beard, Board Vice President
PO Box 370075
El Paso, TX 79937

Bonnie Larreau, Board Secretary
PO Box 397
Dell City, TX 79837

Bobby Jones, Board Director
PO Box 599
Dell City, TX 79837

George Rauch, Board Director
8402 National Parks Highway
Carlsbad, NM 88220

Donna Morrell, Board Director
PO Box 215
Dell City, TX 79837

Bill Wauson, Board Director
PO Box 319
Timberon, NM 88350

James Chavez, Board Director
200 S Chavez RO
Salt Flat, TX 79837

- (g) Name, address, and office address of each of the five largest shareholders, if not publicly traded;

Applicant is wholly owned by Dell Telephone Cooperative, Inc. and does not have shareholders and is not publicly traded.

- (h) Legal name of parent company, if any, and a description of its primary business interests; and,

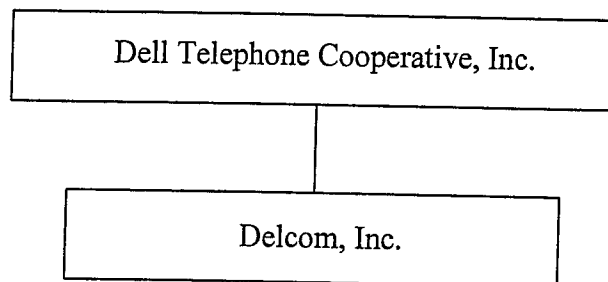
Dell Telephone Cooperative, Inc.

Dell Telephone Cooperative, Inc. is an incumbent local exchange carrier which provides regulated telecommunications services within its certificated exchange areas in the State of Texas under CCN No. 40025 and a Payphone Provider Certificate No. PP011102. Dell Telephone, Inc. owns 100% of the stock in Delcom, Inc., the Applicant.

- (i) Legal name of all affiliated companies that are public utilities or that are providing telecommunications services and the states in which they are providing service. Give a description of all affiliates and explain in detail the relationship between the Applicant and its affiliates. An organizational chart should be provided, if available.

Dell Telephone Cooperative, Inc.

Dell Telephone Cooperative, Inc. is an incumbent local exchange carrier which provides regulated telecommunications services within its certificated exchange areas in the State of Texas under CCN No. 40025 and a Payphone Provider Certificate No. PP011102. Dell Telephone, Inc. owns 100% of the stock in Delcom, Inc.



3. State the name **and only one name**, in which the Applicant wants the Commission to issue its certificate. *(NOTE: If the Applicant is a corporation, the Commission will issue the certificate in either the Applicant's corporate or assumed name, not both. The certificate holder must use only the name approved by the Commission on all bills and advertisements sent to or viewed by the public. Name Changes require Commission Approval as well as Secretary of State Approval.)*

(a) Requested Name:

Delcom, Inc.

(b) Assumed Names:

Applicant will not use an assumed name.

(c) Texas Secretary of State (or County) file number:

1415934

(d) Texas Comptroller's Tax Identification Number:

17425846130

(e) Other Applicable certification/file numbers:

PUC of Texas, IXC Registration No. IX030018 issued March 25, 2003

(f) Date the business was registered:

December 8, 1988

4. (a) Provide a detailed description of the telecommunications services to be provided.

Applicant proposes to provide basic business local exchange service, enhanced custom calling features, long distance service, and high speed, high capacity, advanced services. Specific telecommunications services are further identified in the response below.

- (b) Indicate with a yes or no response, whether the Applicant will be providing the following telecommunications services:

| | <u>Business</u> | <u>Residential</u> |
|---|-----------------|--------------------|
| <u>Yes</u> POTS (Plain Old Telephone Service) | <u>Yes</u> | <u>No</u> |
| <u>No</u> ADSL | <u>Yes</u> | <u>No</u> |
| <u>Yes</u> ISDN PRI | <u>Yes</u> | <u>No</u> |
| <u>No</u> HDSL | <u>No</u> | <u>No</u> |
| <u>No</u> SDSL | <u>No</u> | <u>No</u> |
| <u>No</u> RADSL | <u>No</u> | <u>No</u> |
| <u>No</u> VDSL | <u>No</u> | <u>No</u> |
| <u>Yes</u> Optical Services | <u>Yes</u> | <u>No</u> |
| <u>Yes</u> T1-Private Line | <u>Yes</u> | <u>No</u> |
| <u>No</u> Switch 56 KBPS (Kilobits Per Second) | <u>No</u> | <u>No</u> |
| <u>No</u> Frame Relay | <u>No</u> | <u>No</u> |
| <u>No</u> Fractional T1 | <u>No</u> | <u>No</u> |
| <u>Yes</u> Long Distance | <u>No</u> | <u>No</u> |
| <u>Yes</u> Wireless | <u>Yes</u> | <u>Yes</u> |
| <u>Yes</u> Other (Please Describe): <u>Broadband and Ethernet Service</u> | | |

5. (a) Is the Applicant providing prepaid calling services?

No

(b) If yes to (a), provide a yes or no response to the list of telecommunications services below:

- Residential Prepaid Local Calling Services
- Business Prepaid Local Calling Services
- Residential Prepaid Domestic Long Distance Calling Services
- Business Prepaid Domestic Long Distance Calling Services
- Residential Prepaid International Long Distance Calling Services
- Business Prepaid International Long Distance Calling Services

6. (a) Indicate below the type of local exchange provider being requested:

- Facilities-based, Data and Resale
- Facilities-based and Resale
- Resale Only
- Data Only - Facilities-based and Resale
- Data Only – Resale Only

7. Provide a written description of the exchanges, local access and transportation areas (LATAs), or incumbent local exchange company (ILEC) service areas or attach a scaled map of the geographic area for which the certificate is requested within the State of Texas that the Applicant proposes to serve.

Applicant proposes to serve the entire State of Texas except in the local exchanges served by Dell Telephone Cooperative, Inc.

8. Does the Applicant, owner, or any affiliate currently hold a service provider certificate of operating authority (SPCOA), certificate of operating authority (COA), or certificate of convenience and necessity (CCN) for any part of the area covered by this Application?

Yes. Dell Telephone Cooperative, Inc. holds a Certificate of Convenience and Necessity (CCN No. 40025) and Payphone Provider Certificate No. PP011102 in the State of Texas. See Applicant's response to Question No. 7 above for exception to service in this area.

9. (a) Does the Applicant expect to provide service to customers other than itself and its affiliates?

Yes

- (b) Has the Applicant provided one copy of this Application to the Commission on State Emergency Communications (a.k.a. 911 Commission) within 5 days of submitting the Application? If you are relinquishing the certificate have you also sent a copy of the application to all affected 911 entities within 5 days of submitting the application?

(Send copy to Commission on State Emergency Communications, Accounts Payable Section at 333 Guadalupe Street, Suite 2-212, Austin, Texas 78701-3942, with phone number 512-305-6911, fax number 512-305-6937, and website address www.911.state.tx.us).

Yes, a copy of this Application has been provided to the Commission on State Emergency Communications (a.k.a. the 911 Commission)

- (c) As part of the Application provided to the 911 Commission, the applicant shall provide the name, title, address, and telephone number of the applicant's 911 contact person as required in Substantive Rule No. 26.433(e)(2)(a). Any change in the information about the applicant's designated 911 contact person shall be filed with the 911 Commission with five days of the change.

The Applicant has provided the 911 Commission the following information for the 911 contact person as required in PUC Substantive Rule No. 26.433(e)(2)(a). This information will be updated within five (5) days should a change take place.

911 Contact Person #1:

**Billy Carpenter
Engineering Manager
Delcom, Inc.
P.O. Box 67
Dell City, TX 79837-0067
Office Telephone No. - (915) 964-2147
E-Mail: bcarpenter@dellcity.com**

911 Contact Person #2:

**Annette Snodgrass
Plant Clerk and Service Order Coordinator
Delcom, Inc.
P.O. Box 67
Dell City, TX 79837-0067
Office Telephone No. - (915) 964-2143
E-Mail: bcarpenter@dellcity.com**

Delcom, Inc.

Application for a Service Provider Certificate of Operating Authority

10. (a) Is the Applicant a municipality?

No, the Applicant is not a municipality.

- (b) Will the Applicant enable a municipality or municipal electric system to offer for sale to the public, directly or indirectly, local exchange telephone service, basic local telecommunications service, switched access service, or any non-switched telecommunications service used to provide connections between customers' premises within an exchange or between a customer's premises and a long distance provider serving the exchange?

No

11. (a) **APPLICABLE TO SPCOA APPLICANTS ONLY.** Report total intrastate switched access minutes of use for the Applicant, together with its affiliates, for the twelve-month period beginning sixteen months before the first day of the month in which this Application is filed. *(In calculating minutes of use for this question, include minutes of all entities affiliated with the Applicant.)*

The Applicant and its affiliates intrastate switched access minutes of use information is being filed under separate cover with a request to be treated as Confidential and Proprietary information

- (b) **APPLICABLE TO SPCOA APPLICANTS ONLY.** Identify all affiliates whose minutes of use are included in the calculation required in 11(a).

The minutes of use included in the calculation in response to 11(a) above are Dell Telephone Cooperative, Inc. and the Applicant.

12. (a) Has the Applicant, its owners, or any affiliate applied for a permit, license, or certificate to provide telecommunications services in any state other than Texas? If yes, identify the state(s) what permit, license, or certificate they have applied for, and the states(s) in which they have applied.

Yes. Delcom, Inc., the Applicant currently is registered to provide Long Distance services in the State of New Mexico (NMPRC No. 1415934). The Applicant's affiliate and parent, Dell Telephone Cooperative, Inc. currently holds a Certificate of Convenience and Necessity (CCN) License No. 76 and NMPRC No. 501841 to provide incumbent local exchange services in the State of New Mexico.

- (b) Has the Applicant, its owners, or any affiliate ever had a permit, license, or certificate to provide telecommunications services granted by any state including Texas? If yes, identify the affiliates, what permit, license, or certificate they have and when they were held and the state(s) in which they are held. Provide an explanation.

Yes. Please see the Applicant's response to question 12(a) above. Also, Applicant has IXC Registration No. IX030018 issued by the Public Utility Commission of Texas. The affiliate/parent, Dell Telephone Cooperative, Inc. holds CCN No. 40025, and Payphone Provider Certificate No. PP011102, both issued by Public Utility Commission of Texas.

- (c) Has the Applicant, its owners, or any affiliate ever had any permit, license, or certificate denied or revoked by any state? If yes, identify the affiliates, what permit, license, or certificate they had revoked, and the state(s) in which they were revoked. Provide an explanation.

No

- (d) Has the Applicant, its owners, or any affiliate ever provided telecommunications services in Texas or any other state? If yes, identify the affiliates, what permit, license, or certificate they may have held, and the state(s) in which they provided service.

Yes. Please see Applicant's response to question 12(a) and 12(b) above.

13. (a) Any complaint history, disciplinary record and compliance record during the 60 months immediately preceding the filing of the application regarding; the applicant; the applicant's affiliates that provide utility-like services such as telecommunications, electric, gas, water, or cable service; the applicant's principals; and any person that merged with any of the preceding persons. The information should include, but not be limited to, the type of complaint, in which state or federal agency the complaint was made, the status of the complaint, the resolution of the complaint and the number of customers in each state where complaints occurred.

To the best of the Applicant's knowledge, within the last 60 months there have been two complaints filed with the Texas PUC by a customer of Dell Telephone Cooperative, Inc. and Delcom, Inc. These complaints were fully investigated by Dell Telephone, Delcom, and the PUC of Texas and found to be without merit. As a final resolution and with the PUC's agreement, Delcom cleared the customer's account balance and closed the account. The Complaint numbers were CP2011080234 and CP2011120474.

Texas is the only state where two customer complaints (by the same customer) have been filed for Delcom, Inc. and its affiliate/parent Dell Telephone Cooperative, Inc.

- (b) Is the Applicant, or the applicant's principals currently under investigation or have the Applicant or its principals been penalized by an attorney general or any state or federal regulatory agency for the violation of any deceptive trade or consumer protection law or regulation? If yes, please explain.

No

- (c) Disclose whether any owners, directors, officers or partners in the organization are convicted felons? Also disclose whether the applicant or applicant's principals have been convicted or found liable for fraud, theft, larceny, deceit, or violations of any securities laws, customer protection laws, or deceptive trade laws in any state. If yes, please explain.

No

- (d) Provide the number of customers per state (including Texas) for the past 60 months, for which the Applicant, its parent company, and/or any affiliates are providing telecommunications services.

The number of customers provided telecommunications services for the past 60 months by the Applicant and its affiliates is being filed under separate cover with a request to be treated as Confidential and Proprietary information

14. (a) Provide a detailed description of the Applicant's technical qualifications to provide the local exchange service, basic local telecommunications service, and/or switched access service proposed in this Application.

Delcom is a wholly owned subsidiary of Dell Telephone Cooperative. Delcom has the same employees as Dell Telephone. Employees of Dell Telephone have an average of over 15 years of experience in providing voice and broadband services to its customers. Dell Telephone has deployed advanced technology such as a MetaSwitch softswitch, Calix broadband loop carriers and over 800 miles of fiber throughout its service area. Employees of Dell Telephone keep up with the latest technology and uses qualified consultants and industry experts when necessary to stay abreast of regulatory and industry issues.

Ellis McCasland

Title: CLEC Manager and Business Development Manager

Years of Experience: 17.5

Qualifications: Wireline Product Manager for 13.5 years at ENMR Telephone Coop. Marketing and Business Development Manager at GVNW Consulting. Integral part of team that initiated CLEC operation in Clovis, NM. Skilled and highly knowledgeable in the business aspects of the wireline telecommunications industry.

Years of Experience: 17.5

Joel Muniz

Title: Network Operations Manager

Qualifications: Network Operations Manager for over 20 years. Skilled and highly knowledgeable in all aspects of wireline telephone networks.

Years of Experience: 26

Marcy Guillen

Title: Commercial Office Manager

Qualifications: Skilled and highly knowledgeable in running the business office of Dell Telephone Cooperative. Knowledgeable in billing and customer relationship management.

Years of Experience: 25

Grant Spence

Title: Central Office Manager

Qualifications: Skilled and highly knowledgeable in all aspects of switching and routing of wireline telecommunications. Experience in the latest technology both domestically and internationally having worked for several years in foreign countries for major equipment manufacturers.

Years of Experience: 38

- (b) If the Applicant plans to rely upon a consultant to meet the technical qualifications requirements, provide the following information: (1) name, address, and phone number of consultant, (2) a copy of the contract between the principals and the consultant, (3) consultant's resume or description of experience, (4) information regarding any professional registrations or certifications, (5) percentage of the consultant's time being contracted, and (6) a list of other telecommunications companies served by the consultant and the percentage of time allotted to each company.

The Applicant is not relying on a consultant to meet the technical qualification requirements.

- (c) Provide a detailed description or individual resumes setting forth the qualifications of the Applicant's key personnel. Descriptions or resumes shall include (1) **Key Personnel Names**, (2) **Applicant Company Titles**, (3) **Detailed Telecommunications Experience**, and (4) **Years of Experience**.

Please see Applicant's response to Question No. 14 (a) above.

15. Attach a completed Service Quality Questionnaire.

A completed Service Quality Questionnaire is attached to this response.

SERVICE QUALITY QUESTIONNAIRE for SPCOA and COA APPLICANTS

Will the Applicant meet each of the following benchmark service quality standards? For each "NO" response, please provide an explanation. If the Applicant is relying on an underlying carrier to meet any of the following standards, identify the standard and the carrier.

- YES NO Make one-party line service available upon request to all subscribers of local exchange service.
- YES NO Install 95% of primary service orders and 90% of regular service orders within five working days of customer orders, excluding those orders where a later date is requested by the customer.
- YES NO Meet 90% of commitments to customers regarding the date of installation of service orders, excepting customer-caused delays.
- YES NO Maintain the level of held regrade orders (as defined in Substantive Rule 26.54) at or below one percent of access lines served.
- YES NO Answer 85% of toll and assistance operator calls within ten seconds.
- YES NO Answer 90% of repair service calls and calls to business offices within 20 seconds.
- YES NO Provide dial tone within 3 seconds for 98% of calls.
- YES NO Maintain an availability factor for stored program controlled digital and analog switching facilities (local intra-office) at 99.99%, or keep total unscheduled outages below 53 minutes per year.
- YES NO Maintain an availability factor for stored program controlled digital and analog switching facilities (local inter-office) at 99.93%, or keep total unscheduled outages below 365 minutes per year.
- YES NO Complete 97% of properly dialed tolled calls without encountering failure because of blockages or equipment irregularities.
- YES NO Maintain an average monthly rate of customer trouble reports, excluding CPE reports, at or below 6%.
- YES NO Clear 90% of out-of-service trouble reports within 8 working hours, except where access to the customer's premises is required and not available or where interruptions are caused by unavoidable casualties and acts of God affecting large groups of customers.

- YES NO Maintain the number of repeated trouble reports on residence and single-line business lines at or below 22% of the total customer trouble reports on those lines.
- YES NO Maintain transmission facilities meeting the requirements of Substantive Rule 26.54, Transmission Requirements.
- YES NO Meet the Commission's continuity-of-service requirements established in Substantive Rule 26.51.
- YES NO Provide 911 emergency telephone service in accordance with Chapters 771 and 772 of the Texas Health and Safety Code, as applicable.
- YES NO Commit to providing equipment that will comply with 911 requirements.
- YES NO Commit to providing at least 1 customer service representative per every 2,500 customers during normal business hours.
- YES NO Commit to providing equipment that is local number portability (LNP) capable.
- YES NO Maintain an emergency operations plan that addresses disaster recovery procedures.
- YES NO Comply with PUC Substantive Rules §26.32 and §26.130 requiring notification of customers about slamming and cramming information on monthly bills.
- YES NO Comply with PUC Substantive Rules §26.31 for customer disclosure.
- YES NO Comply with PUC Substantive Rules §26.122 regarding customer proprietary network information.
- YES NO Comply with applicable portions of Chapter 26, Subchapter B regarding customer service and protection.
- YES NO Comply with anti-discrimination laws on the basis of race, nationality, color, religion, sex, marital status, income level, source of income, or geographic location.
- YES NO Disclose to customer that they may contact the PUC and pursue complaints if the customer and certificate holder cannot resolve the complaint.

16. Provide an audited or unaudited balance sheet for the applicants most recent quarter that demonstrates the shareholder's equity required by the PUC Subst. Rule 25.111(f). The audited balance sheet must include the independent auditor's report. The unaudited balance sheet must include a sworn statement from the executive officer of the applicant attesting to the accuracy, in all material respects, of the information provided in the unaudited balance sheet.

The Applicant's unaudited Balance Sheet for the third quarter 2011, a supporting Affidavit and a Letter of Commitment and Guaranty is being provided under separate cover with a request to be treated as Confidential and Proprietary information.

17. Provide a summary of any history of insolvency, bankruptcy, dissolution, merger or acquisition of the applicant or any predecessors in interest during the 60 month immediately preceding this Application.

The Applicant has no history of insolvency, bankruptcy, dissolution, merger or acquisition.

Delcom, Inc.

Application for a Service Provider Certificate of Operating Authority

Attachment B

Motion for a Protective Order

Delcom, Inc.
Application for a Service Provider Certificate of Operating Authority

Docket No. _____

APPLICANT: Delcom, Inc._____

MOTION FOR PROTECTIVE ORDER

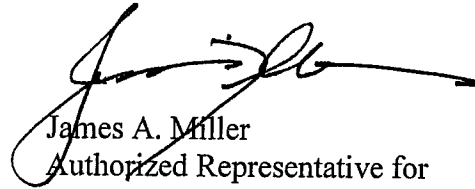
COMES NOW Delcom, Inc., (“Applicant”) and hereby files this Motion for Protective Order prohibiting any disclosure to the general public of any portion of the documents provided in response to Questions 12(a), 14(c), 18, 19, 20 and 21 of the Applicant’s Application for a Service Provider Certificate of Operating Authority. This highly sensitive confidential information has been filed with the filing clerk of the Public Utility Commission of Texas (“Commission”) in a sealed envelope. The Applicant requests that the Protective Order specifically state that these documents be disclosed only to Commission Staff members directly involved in this proceeding, any that any pleadings or other filings that incorporate, reference or attach the document or any portion thereof be submitted under Seal.

As rounds for this motion, the Applicant states that its minute of use information, projected cash flow, accounts receivable and capital expenditures forecasts, as well as the financial qualifications information which is required to be submitted to the Commission as part of the Applicant’s Application for a Service Provider Certificate of Operating Authority. However, Dell Telephone Cooperative, Inc. and the Applicant are private, closely-held entities, whose financial information is maintained as highly confidential and proprietary.

The information requested is exempted from disclosure under the Open Records Act (“Act”) by Sections 552.101 and 552.110 of the Act. Section 552.101 exempts from public disclosure, “information deemed confidential by law, either Constitutional, Statutory or by judicial decision.” Section 552.110 is narrower and exempts only “trade secrets and commercial or financial information obtained from a person and privileged or confidential by statute or judicial decision.” Public disclosure of this information would materially damage Dell Telephone Cooperative, Inc. and the Applicant’s competitive and financial positions. Further, the public interest would be impaired by public disclosure of the information contained in the Applicant’s projected forecasts and other supporting documentation in that the information could be used to the competitive advantage of certain competitors which would harm the position of the Applicant.

For the foregoing reasons, Delcom, Inc. requests the entry of a Protective Order containing the terms and conditions set forth above, relative to all of the documents provided in response to the questions enumerated above, and for all other appropriate relief.

Respectfully submitted,



James A. Miller
Authorized Representative for
Delcom, Inc.

Dated: JANUARY 1, 2012

Delcom, Inc.

Application for a Service Provider Certificate of Operating Authority

Attachment C

**Confidential Material (paper only)
(Provided under seal and separate cover)**