

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Viaero Fiber) Application No. C-5576
Networks, LLC, seeking)
authority to provide)
competitive local exchange) PROTECTIVE ORDER
telecommunications services in)
Nebraska.)
) Entered: August 26, 2024

BY THE HEARING OFFICER:

On April 11, 2024, Viaero Fiber Networks, LLC ("Applicant") filed an application with the Nebraska Public Service Commission ("Commission") seeking authority to provide competitive local exchange telecommunications services in Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska on April 16, 2024. No protests were filed.

On August 23, 2024, Applicant filed a Motion for Protective Order with the Commission seeking entry of a protective order in the above-caption docket. I hereby find that a Protective Order shall apply to any documents and information in this Docket that contain confidential, proprietary, sensitive, or financial materials.

Protective Order

1. This Protective Order shall govern the use of all confidential information and documents submitted to the Commission by, or on behalf of, the Applicant. Notwithstanding any order terminating this proceeding, this Protective Order shall remain in effect until specifically modified or terminated by the Nebraska Public Service Commission.
2. Definitions. For purposes of this Protective Order:
 - a. The term "Applicant" shall mean Viaero Fiber Networks, LLC.
 - b. The term "Participant" shall mean any necessary or permitted party in this Docket. Participant does not include Commission staff.
 - c. The term "Confidential Materials" shall mean:

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- (1) Materials provided by a Participant in this docket which are of a sensitive financial, confidential, and/or proprietary nature, including:
 - (a) materials provided by a Participant in these proceedings, trade secrets, financial statements, business plans, technical data, and other materials designated by such Participant as protected, and marked in accordance with the provisions of the Order;
 - (b) any information contained in or obtained from such designated materials;
 - (c) any other materials which are made subject to this Protective Order by the Commission, or its staff, by any Court or other body having appropriate authority, or by agreement of the Participant;
 - (d) notes of Confidential Materials; and
 - (e) copies of Confidential Materials.
- (2) The Participant producing the Confidential Materials shall include in the digital file name the word "CONFIDENTIAL" printed in all capital letters. Materials formatted in pages or sheets (including but not limited to Word documents, Excel files, and PDF documents) must also be marked with the same language on each page or sheet in not less than 10 point font. Materials which are not so marked will not be considered Confidential Materials.
- (3) Confidential Materials shall not include any information or document contained in the files of the Commission, or any other federal or state agency, or any federal or state court, unless the information or document has been determined to be protected by such agency or court.
- (4) Confidential Materials shall not include information that is public knowledge, or which becomes public knowledge, other than through disclosure in violation of this Protective Order.

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3. Nondisclosure Agreement: No access to Confidential Materials shall be authorized under the terms of this Order to any person until the person desiring access to such information signs a Nondisclosure Agreement in the form that is attached to this Order. The Nondisclosure Agreement shall require the person to whom disclosure is to be made to certify in writing that he or she has read this Order and agrees to be bound by its terms and conditions. The Nondisclosure Agreement shall contain the signatory's printed full name, permanent address and employer, and the name of the party with whom the signatory is associated. Such Nondisclosure Agreement shall be filed with the Commission and served on all parties to this proceeding. Any Participant filing multiple Nondisclosure Agreements with the Commission shall compile and submit to the Commission a typed list of all persons signing a Nondisclosure Agreement on that Participant's behalf. All Nondisclosure Agreements filed with the Commission will be made publicly available on the Commission's website.
4. Except as set forth below, Confidential Materials shall be made available under the terms of this Protective Order only to the Commission and Commission staff and counsel. Confidential Materials shall be treated as proprietary and confidential once submitted and shall not be made available to Participants in this docket. Confidential Materials shall not be made available to the public or published on the Commission website.
5. Should Confidential Materials be inadvertently disclosed, any person who identifies the disclosure must immediately notify the Commission of the disclosure and destroy any copies of the Confidential Materials in their possession or control. No additional copies of Confidential Materials shall be made. Any further disclosure or use of Confidential Materials is strictly prohibited and shall constitute a violation of an order of the Commission.
6. All Confidential Materials shall be submitted to the Commission through secure transmission. Such materials shall be marked as set forth in paragraph 2(c)(2) of this Order. Participants shall take all reasonable precautions necessary to ensure that Confidential Materials are not distributed to unauthorized persons. The use of such precautions does not, however, alter or extend any filing deadlines previously set in this matter. It is the Participant's responsibility to

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ensure that all materials, including Confidential Materials, are filed in a timely manner.

7. The Commission or the Hearing Officer may alter or amend this Protective Order as circumstances warrant at any time during the course of this proceeding.
8. Nothing in this Protective Order shall be deemed to preclude any Participant from independently seeking through discovery in any other administrative or judicial proceeding information or materials produced in this proceeding under this Protective Order.
9. Any violation of this Protective Order shall constitute a violation of an order of the Commission.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that this Protective Order shall be entered in the above-captioned proceeding.

MADE AND ENTERED at Lincoln, Nebraska this 26th day of August, 2024.

NEBRASKA PUBLIC SERVICE COMMISSION

BY:



Kevin Stocker
Hearing Officer

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BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Viaero Fiber) Application No. C-5576
Networks, LLC, seeking)
authority to provide)
competitive local exchange) **NONDISCLOSURE AGREEMENT**
telecommunications services in)
Nebraska)

I, _____, hereby certify my understanding that access to Confidential Materials is provided to me pursuant to the terms and restrictions of the Protective Order in this proceeding, that I have been given a copy of and have read the Protective Order, and that I agree to be bound by it.

I understand that the contents of the Confidential Materials, any notes or other memoranda, or any other form of information that copies or discloses Confidential Materials shall not be disclosed to anyone other than in accordance with the Protective Order.

I acknowledge that a violation of this certificate constitutes a violation of an order of the Commission.

By: _____

Title: _____

Representing: _____

Date: _____