

BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Review of:	)	
Unbundled Loop and Switching Rates;	)	Docket No. UT-023003
the Deaveraged Zone Rate Structure; and	)	
Unbundled Network Elements,	)	AT&T RESPONSE TO VERIZON
Transport and Termination	)	MOTION TO AMEND THE
(Recurring Costs)	)	PROCEDURAL SCHEDULE
_____	)	

AT&T Communications of the Pacific Northwest, Inc. (“AT&T”) provides the following Response to the Motion of Verizon Northwest Inc. (“Verizon”) to Amend the Procedural Schedule (“Motion”). AT&T does not object to a brief extension of the current procedural schedule, but AT&T denies that any AT&T action or inaction necessitates such an extension.

1. Verizon bases its Motion on inaccurate allegations that AT&T has delayed providing Verizon with information on TNS processing of Verizon customer location data. AT&T represented that it would make such information “available to the parties *under appropriate safeguards* comparable to the conditions Verizon placed on access to its vendors’ competitively sensitive information.” AT&T Opposition to Verizon Motion to Strike HAI Model at 5 (emphasis added). Neither Verizon nor any other party contacted AT&T to negotiate the appropriate safeguards. Nor does the Commission’s Protective Order provide the appropriate safeguards in light of the Commission’s denial of AT&T’s motion to amend that Order to provide highly confidential protection for third party vendor data. Because Verizon did not make any effort to ensure that appropriate safeguards were available to protect the TNS data upon disclosure to Verizon, AT&T did not obtain the processing data from TNS, much less provide it to Verizon or any other party.

2. Not until February 13, 2004, did Verizon contact AT&T to obtain data on TNS

processing of the Verizon customer location data used in the HAI model run that was included in AT&T's January 26, 2004, supplemental testimony. Verizon counsel's letter, however, makes no reference to the need to negotiate the safeguards necessary to protect and limit unauthorized access to this highly proprietary data. *See* Motion, Ex. 4. AT&T nevertheless contacted TNS and requested that it compile the data. AT&T also provided TNS with a copy of the Third Party Confidentiality Agreement between AT&T and Verizon and requested that TNS review that Agreement and determine whether it would provide sufficient protection for TNS data when disclosed to Verizon. TNS informed AT&T that the data would be provided by March 3, 2004, and that the existing Third Party Confidentiality Agreement with Verizon would be sufficient to protect that data.

3. As promised, AT&T obtained the TNS data by March 3, 2004, and offered to provide it to Verizon. AT&T, however, also informed Verizon that no Verizon counsel, personnel, or consultant who would review or have access to the data had executed a certification that they would be bound by the terms of the Third Party Confidentiality Agreement. When AT&T counsel received copies of these certifications, AT&T provided the data via overnight delivery. AT&T, therefore, did not fail to timely produce the TNS data, and the delay in Verizon's receipt of the TNS data after AT&T filed its supplemental testimony is entirely attributable to Verizon's failure to ensure that proper safeguards were in place to protect that data.

4. Not only has Verizon misrepresented AT&T's actions, but Verizon fails to demonstrate why Verizon needs eight weeks to analyze this data. As Verizon acknowledges, TNS long ago provided the same type of data on processing Verizon customer location data for use in the HAI model in California. Verizon does not even attempt to explain why it needs two months to review

TNS data for Washington that is largely the same as the California data that Verizon has been analyzing over the past several months.

5. AT&T is prepared to continue under the existing procedural schedule, even though AT&T did not receive the CD's from Verizon's January 26, 2004, filing that substantially revising the VzCost model until March 2, 2004, and Verizon has yet to respond to over a dozen of the data requests that AT&T propounded on December 15, 2004. Nevertheless, AT&T does not oppose a limited extension of that schedule to permit all parties an additional 30 days to file responsive testimony.

DATED this 8th day of March, 2004.

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By \_\_\_\_\_  
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