

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Implementation of the
Federal Communications Commission's
Triennial Review Order

Docket No. UT-033025

**QWEST'S COMMENTS REGARDING
PROPOSED PROTECTIVE ORDERS**

On September 26, 2003 Administrative Law Judge Ann Rendahl distributed two protective orders to the parties to this proceeding, and required the parties to submit comments to the Commission by October 3, 2003. The first document is the TRIP protective order specifically prepared for the state of Texas. The second is Qwest's generic protective order prepared for use in Triennial Review proceedings throughout its fourteen-state region. Both contain a basic level of protection applicable to "Confidential Information" and a higher level of protection applicable to "Highly Confidential Information." The two protective orders share many common features, but Qwest believes that the Commission should use Qwest's proposed protective order for two reasons.

First, Qwest's proposed generic protective order can more easily be adapted for use in this proceeding. In contrast, the TRIP protective order is state specific. The TRIP protective order contains numerous references and cross-references to Texas Rules of Civil Procedure and Texas Statutes. For example, ten of the eighteen definitions in the definitional section are Texas-specific. While there may be Washington analogues to some of the Texas provisions, it will be difficult to convert the TRIP protective order from a Texas-specific order to one that is Washington-specific.

1 Second, AT&T and Qwest have already used the Qwest protective order as a starting point
2 in an effort to negotiate an agreed protective order. Qwest and AT&T have exchanged drafts of
3 the Qwest protective order and can hopefully resolve the few remaining issues between the parties.
4 A copy of Qwest's protective order is attached as Exhibit 1. Qwest is mindful that this proceeding
5 has many interested parties other than Qwest and AT&T. However, negotiating from a document
6 that both Qwest and AT&T find acceptable should be a more focused exercise than starting from
7 scratch with the TRIP protective order. Once Qwest and AT&T reach agreement, it should be a
8 simple matter for the Commission to incorporate any changes it believes are appropriate into the
9 protective order. If Qwest and AT&T cannot reach agreement, it would be appropriate for the
10 Commission to resolve any disputes as to the terms of the protective order.

11 Thus, Qwest respectfully requests that the Commission utilize the protective order attached
12 as Exhibit 1, as the baseline document, and finalize a protective order based on it. Qwest believes
13 that any remaining disputed issues could be discussed and resolved at the prehearing conference
14 scheduled for October 9, 2003.

15 RESPECTFULLY SUBMITTED this 3rd day of October, 2003.

16 QWEST

17 

18 Lisa A. Anderl, WSBA # 13236
19 Adam L. Sherr, WSBA # 25291

20 Qwest
21 1600 7th Avenue, Room 3206
22 Seattle, WA 98191
23 Phone: (206) 398-2500

24 Charles W. Steese
25 STEESE & EVANS, P.C.
26 6400 South Fiddlers Green Circle
Suite 1820
Denver, CO 80111
Phone: (720) 200-0677

Attorneys for Qwest Corporation