

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of:)	
)	Docket No. UT-033044
QWEST CORPORATION)	
)	JOINT CLEC MOTION FOR
To Initiate a Mass-Market Switching and)	ANONYMOUS DISCLOSURE OF
Dedicated Transport Case Pursuant to the)	CLEC DATA
Triennial Review Order)	
_____)	

Advanced TelCom, Inc., Eschelon Telecom of Washington, Inc., Integra Telecom of Washington, Inc., Global Crossing Local Services, Inc., McLeodUSA Telecommunications, Inc., Pac-West Telecomm, Inc., Time Warner Telecom of Washington, LLC, and XO Washington, Inc. (collectively “Joint CLECs”), respectfully move the Commission to establish a procedure that would permit disclosure of highly confidential information provided to the Commission by competing local exchange companies (“CLECs”) without disclosing the identities of the CLECs providing that information. In support of this Motion, the Joint CLECs state as follows:

MOTION

1. All parties to this proceeding recognize that the Federal Communications Commission’s (“FCC’s”) Triennial Review Order permits Qwest Corporation (“Qwest”) to put at issue CLEC highly proprietary network information. All parties also recognize the need to restrict access to this information to the greatest extent possible. Although the Commission has modified its standard protective order in an attempt to address these concerns, the Joint CLECs propose a further layer of protection that commissions in other states in the Qwest region have adopted.

2. The Oregon and Minnesota commissions, like this Commission, are undertaking a review under the FCC’s Triennial Review Order of CLEC impairment in the absence of Qwest unbundled network elements (“UNEs”). Both of these commissions have adopted protective orders

comparable to Order No. 02 in this case, but the Oregon and Minnesota commissions enhance this protection by requiring CLECs only to disclose highly confidential data to the commission and commission staff (or equivalent entity). Signatories to these states' protective orders may obtain this raw data but not the names of the disclosing CLECs, which are identified only by a number or letter. To the Joint CLECs' knowledge, no party to the proceedings in Oregon or Minnesota has objected to this procedure.

3. The inquiry established by the FCC is objective, not subjective. Nothing in the Triennial Review Order makes the identity of the individual CLECs relevant, much less necessary, to the Commission's investigation. Preventing disclosure of CLECs' identities while providing appropriate access to the highly confidential data they provide thus will not prejudice any party. While the information some CLECs provide may necessarily reveal their identities, precluding overt disclosure of this information adds another layer of protection to extremely sensitive data and is consistent with the procedures established in other Qwest states.

WHEREFORE, the Joint CLECs request the following relief:

A. An Order from the Commission establishing a procedure whereby CLECs may submit highly confidential responses to bench or data requests to the Commission or Commission Staff, who would make that information available to parties entitled to review highly confidential information without identifying the individual CLECs that provided the information; and

B. Such other or further relief as the Commission finds fair, just, reasonable, and sufficient.

DATED this 12th day of November, 2003.

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By _____
Gregory J. Kopta