

BEFORE THE  
WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION

In the Matter of the Petition of:

QWEST CORPORATION

To Initiate a Mass-Market Switching and  
Dedicated Transport Case Pursuant to the  
Triennial Review Order CASE CAPTION

Docket No. UT-033044

**WeBTEC'S RESPONSE TO JOINT  
CLEC MOTION FOR ANONYMOUS  
DISCLOSURE OF CLEC DATA  
[November 14, 2003]**

1. The Washington Electronic Business and Telecommunications Coalition ("WeBTEC") does not object to the Motion of 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") for Anonymous Disclosure of CLEC Data ("Motion"), insofar as the motion seeks only to mask the identities of the CLECs providing information and provided that the raw data, with the CLEC identities masked and without aggregation, are available to the representatives and witnesses of other parties who have signed the Highly Confidential Protective Order.

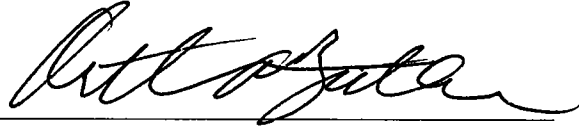
2. It is essential that all parties have access to all information that is necessary to enable them to evaluate the evidence and fully litigate the issues in this case. It is improper to

give favored access to data to the Staff, without giving the same access to data to the other litigants. As this Commission has noted a number of time, including today in an order issued in UT-031472: "In formal proceedings, such as this case, the Commission's regulatory staff functions as an independent party with the same right, privileges, and responsibilities as any other party to the proceeding. There is an "ex parte wall" separating the Commissioners, the presiding ALJ, and the Commissioners' policy and accounting advisors from all parties, including Staff. RCW 34.05.455." Since Staff is just another party litigant, with its own agenda, it would be both a violation of basic due process and a disservice to the Commission and the public to restrict access to data to just that one party. As demonstrated clearly in the recent Qwest business exchange service competitive classification proceeding, UT-030614, relying on one party to aggregate data and make only that aggregated data available to other parties will only lead to confusion.

3. In their Motion, the Joint CLECs ask the Commission to establish 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. As noted above, WeBTEC does not object to this request so long as the only manipulation of the data by the Staff is to make the identity of the specific responding CLECs. WeBTEC notes, however, that it may become necessary to follow-up on the information submitted by particular CLECs to fully understand just what services they are providing or what the capabilities of the equipment they are using really are. In such cases, it will be necessary to know the identity of the responding CLECs so that further discovery may be conducted.

RESPECTFULLY SUBMITTED this 14th day of November, 2003.

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By 

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## CERTIFICATE OF SERVICE

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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 14th day of November, 2003, at Seattle, Washington.

  
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