

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Joint Application of)	Docket No. UT-090842
)	
VERIZON COMMUNICATIONS INC. AND)	
FRONTIER COMMUNICATIONS)	ORDER
CORPORATION)	
)	
For an Order Declining to Assert)	
Jurisdiction Over, or, in the Alternative,)	
Approving the Indirect Transfer of)	
Control of Verizon Northwest Inc.)	
)	

Background. Under provisions of Order 06 in the above-named docket, Frontier Communications Northwest Inc. (Frontier) agreed to a number of commitments to extend broadband to its serving area, as detailed in Order 06, Appendix A, paragraphs 13-18.¹ In Commitment (paragraph) 14, Frontier agreed that if it “determines that it is technically infeasible to fulfill one or more of the broadband deployment objectives identified in paragraphs 15 through 18, Frontier NW must immediately (within 30 days of determining the technical infeasibility) submit to the Commission a detailed report identifying the technical or operation impediments and limitations that prevent fulfillment of the condition and propose an alternative broadband deployment plan that provides at least a similar level of public benefit.”² The Commission may accept or modify such a plan.³

On April 10, 2012 Frontier filed a report regarding updates to its broadband plan. A substantial portion of the report is designated as Highly Confidential under the Protective Order in this docket⁴ and Frontier has requested that the Commission find such designation to be confirmed. Frontier also has requested that previously filed documents containing Highly Confidential information be confirmed as so designated, and that the Commission direct Staff to document its procedure for handling proprietary and confidential information.

¹ Order 06, Appendix A, Attachment 1 ¶¶ 13-18.

² *Id.* at ¶ 14.

³ *Id.*

⁴ Order 01.

Decision. The commitments in Appendix A require, on one hand, that that Frontier expand broadband availability to 95% of its wire centers by July 1, 2012 (two year following closing of the transfer) and, on the other hand, that broadband be available to 50% of households in each unserved wire center by year end 2011.⁵ One reading of the 2 requirements could lead to a conclusion that focuses on the 50% availability in each unserved wire center. Another reading could lead to a conclusion that the 50% requirement applies only to those unserved wire centers reached by year end 2011, and that some would remain completely unserved (or at less than 50% availability) until July 1, 2012.

Under either reading, Frontier reports that it encountered a variety of situations that slowed down initial plans. We have reviewed Frontier's report, noting the particular reasons for delay. We are disappointed that this report was not brought to our attention earlier, but are mindful that delays in discussions of what was required for Staff review may have factored into the timing. We are also mindful of Frontier's overall accomplishments in broadband deployment in Washington, and expect that Frontier will live up to the commitments to which it agreed. We accept Frontier's report, filed April 10, 2012 (Exhibit A) as a revision to its broadband plan on file with the Commission. Frontier will be required to report quarterly, beginning August 1, 2012 until the broadband commitments expire or are completed.

Frontier also raises concerns about how Highly Confidential and Confidential documents have been provided, filed, or submitted, particularly to Staff, in this docket. Frontier maintains that it has complied with Order 01 and WAC 480-07-160, consistent with prior practice in this docket. Frontier expresses concern about documents previously filed, provided, and submitted, as well as documents included in its April 10, 2012 report and documents to be filed, provided, or submitted in the future. We confirm and conclude that all previously filed, submitted, and provided documents designated as Highly Confidential or Confidential will be given treatment as either Highly Confidential or Confidential, as so designated. We confirm and conclude that Frontier's Revised Broadband Report, filed April 10, 2012 is to be given treatment as Highly Confidential in its shaded form consistent with WAC 480-07-160 (3)(c)(ii).

Frontier also suggest that it meet with the Staff to jointly agree to a procedure for handling Highly Confidential and Confidential documents going forward. We agree.

⁵ Order 06, Appendix A, Attachment 1 at ¶ 15.

ORDER

THE COMMISSION ORDERS, That:

- (1) Frontier's requested modification to its broadband plan is accepted.
- (2) By August 1, 2012, Frontier must provide an updated report on the status of its broadband expansion, continuing quarterly until the broadband commitments expire or are completed.
- (3) All documents previously filed, submitted, or provided in this docket and designated as Highly Confidential or Confidential are to be treated as so designated.
- (4) Frontier's broadband report filed April 10, 2012 is to be treated as Highly Confidential with respect to the shaded information, consistent with WAC 480-07-160 and Order 01 in this docket.
- (5) Staff and Frontier will meet to develop a procedure for handling and protecting proprietary and confidential information going forward

Dated at Olympia, Washington, and effective April 17, 2012.

WASHINGTON UTILITIES TRANSPORTATION COMMISSION

DAVID W. DANNER
Executive Director and Secretary