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6 BEFORE THE
7 WASHINGTON UTILITIES AND
8 TRANSPORTATION COMMISSION

9 In the Matter of the Petition of:

10 QWEST CORPORATION

11 For Competitive Classification of Basic Business
12 Exchange Telecommunications Services.

Docket No. UT-030614

**13 WeBTEC'S RESPONSE TO STAFF
14 MOTION FOR CLARIFICATION
15 OF ORDER NO. 08**

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I. INTRODUCTION

The Washington Electronic Business and Telecommunications Coalition ("WeBTEC") supports the Staff Motion for Clarification with one exception. That motion requests a ruling that the aggregated information provided by competitive local exchange carriers ("CLECs") to the Staff pursuant to the Commission's order should be classified as non-confidential. WeBTEC agrees that the CLEC information, except for future marketing plans, once aggregated and the identities of the responding CLECs masked, should no longer be considered highly confidential, or even confidential. If simple aggregation and identity masking is deemed insufficient to protect sensitive information in wire centers where only one or two CLECs are active, the Staff should propose additional aggregation to protect the information.

1 That and other aggregated CLEC information need not and should not be classified as highly
2 confidential.

3 It is doubtful that some of the information to be produced by the CLECs should be
4 classified as highly confidential at all. For example, the identification of which CLECs offer
5 service in which wire centers and the generally available prices charged by those CLECs are
6 not trade secrets, because such information can be obtained by simply calling the CLECs. If a
7 CLEC is going to keep secret the fact that it is offering service in a particular geographic area,
8 it will never get any customers. Similarly, sales prices would also be available, and price lists
9 must be made publicly available by Commission rule. The data that are sensitive are the line
10 counts, by service, identification of whether those lines are provided over CLEC-owned loops
11 or via unbundled loops or UNE-P obtained from Qwest, and future marketing plans.¹
12 WeBTEC believes that future marketing plans should be classified as highly confidential even
13 if the identities of the associated CLECs are masked, because knowledge of future marketing
14 plans could be of economic benefit to a competitor even if the exact identity of the CLEC
15 producing the plan is not known. Apart from that, aggregating the information and masking
16 the identities of the CLECs associated with that information should be sufficient to protect any
17 legitimate trade secrets.
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21 In its Order No. 8 the Commission expressed concern about the sufficiency of merely
22 masking CLEC identities when only one CLEC is active in a specific geographic area. It is not
23 clear whether there are any such cases. If there are, the Staff could be asked to identify those

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25 ¹ WeBTEC believes that future marketing plans are not relevant since the statutory test addresses *existing*
competition.

1 situations where the aggregation would not be sufficient to protect the information if the
2 identities of the CLECs providing service in that wire center were known. In those cases, the
3 Staff could propose some additional aggregation to better protect the information. But the
4 masking and aggregation should be kept to an absolute minimum so that useful information is
5 available to the Commission and the parties to analyze. That and other aggregated CLEC
6 information should not be classified highly confidential. Given the vagueness and breadth of
7 the highly confidential affidavit required by Order No. 8, classification of CLEC information
8 as highly confidential would essentially make is unavailable to a number of parties to the case.
9 Since the CLEC information is very important to resolution of the issues in this case, it should
10 be available to interested parties to the maximum extent possible.
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12 For the foregoing reasons, WeBTEC supports the Staff's motion for clarification with
13 the exception noted.
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15 Respectfully submitted, this 1st day of August, 2003.

16 WeBTEC

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18 By: _____
19 Arthur A. Butler, WSBA #04678
20 Ater Wynne, LLP
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CERTIFICATE OF SERVICE

I hereby certify that I have served a the original and 14 true and correct copies of the foregoing document upon the WUTC via the methods noted below, properly addressed as follows:

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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 4th day of August, 2003, at Seattle, Washington.

Susan Arellano