

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET NO. UT-030614
)	
QWEST CORPORATION)	ORDER NO. 10
)	
For Competitive Classification of)	
Basic Business Exchange)	CLARIFYING CONFIDENTIALITY
Telecommunications Services)	STATUS OF AGGREGATED DATA
.....)	

Synopsis: The Commission clarifies that the Commission Staff's aggregation of data submitted by competitive local exchange carrier pursuant to Order No. 06 is to be treated as Confidential.

1 **Proceeding.** Docket No. UT-030614 involves a petition filed by Qwest Corporation (Qwest), for competitive classification of basic business exchange telecommunications services pursuant to RCW 80.36.330.

2 **Appearances.** Lisa Anderl, attorney, Seattle, Washington, represents Qwest. Jonathan C. Thompson, assistant Attorney General, represents Commission Staff. Simon ffitc, assistant Attorney General, Seattle, Washington, represents Public Counsel Section of the Office of Attorney General. Letty S. D. Friesen, attorney, Denver, Colorado, represents AT&T Communications of the Pacific Northwest, Inc. and AT&T Local Services on Behalf of TCG Seattle and TCG Oregon (AT&T). Karen J. Johnson, attorney, Beaverton, Oregon, represents Integra Telecom of Washington, Inc. (Integra). Michel Singer-Nelson, attorney, Denver, Colorado, represents WorldCom/MCI. Lisa Rackner and Arthur A. Butler, attorneys, Seattle, Washington, represent Washington Electronic Business and Telecommunications Coalition (WeBTEC). Stephen S. Melnikoff, attorney, Arlington, Virginia, represents the United States Department of Defense and all other Federal Executive Agencies (DOD/FEA). Richard H. Levin represents Advanced TelCom, Inc. (ATG).

3 **Background.** On June 30, 2003, the Commission entered Order No. 06 requiring all Competitive Local Exchange Carriers (CLECs) in the State of Washington to

disclose information to Commission Staff about the status of the business local exchange services they provide in the state. At the same time the Commission entered Order No. 07 Amending Protective Order, designed to protect the disclosed CLEC information and to allow it Highly Confidential treatment. The Commission had previously entered Order No. 03, a protective order governing treatment of Confidential material submitted in the proceeding.

- 4 After Staff received the CLEC disclosures, Staff was charged with aggregating the data submitted in a fashion that would completely mask the identity of the CLECs providing business local exchange services in the state.
- 5 On July 24, 2003, Commission Staff requested clarification of the status of the aggregated data. Staff suggested that since the aggregation masked CLEC identity and thus protected the CLECs' competitive positions in Washington, there was no need to further protect the confidentiality of the aggregated information. Staff recommended the aggregation be distributed to the parties on a nonconfidential basis.
- 6 WeBTEC also urged that the aggregated data be treated as non-confidential.
- 7 Both AT&T and Advanced TelCom Group (ATG)¹ objected that even the aggregated data might pose some risk that sensitive CLEC market information would be revealed. They urged the Commission to treat the aggregated data as either Confidential or Highly Confidential.
- 8 **Decision.** The Commission is not persuaded that all risk of undue disclosure of highly sensitive market information is eliminated by Staff's aggregation of the CLEC-submitted information. In order to encourage CLECs and parties to the proceeding to provide information of this type in Commission proceedings, adequate protection of the information is essential. The aggregated data should be treated as Confidential under the terms of the original protective order entered in this docket and distributed by Commission Staff accordingly.

¹ At the time it filed its objection to Staff's motion, ATG's Petition to Intervene in the proceeding was still pending.

ORDER

- 9 THE COMMISSION ORDERS That CLEC information in the form aggregated by Staff for distribution to the parties should be treated as Confidential under the terms of the original protective order in this proceeding.

Dated at Olympia, Washington, and effective this 4th day of August, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M. MACE
Administrative Law Judge