

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION)	
)	DOCKET NO. UT-060962
Complainant,)	
)	
v.)	AT&T BRIEF ON
)	CONFIDENTIAL
AT&T COMMUNICATIONS OF THE PACIFIC)	INFORMATION
NORTHWEST, INC.)	
)	
Respondent.)	
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Pursuant to the Commission’s Notice of Opportunity to Address Confidential Information, AT&T Communications of the Pacific Northwest, Inc. (“AT&T”) provides the following brief in support of its position that the information redacted from the Commission’s Complaint and from the Staff Investigation Report and Addendum is properly considered to be confidential.

1. AT&T, in compliance with a Commission order, provided call detail information to Staff on collect calls placed from two specific correctional facilities in Washington during March, April, May, and June 2005. AT&T expressly designated that information as confidential and protected from public disclosure pursuant to RCW 80.04.095. Staff did not dispute that designation. Staff, however, aggregated that data and now takes the position that the total number of calls and amount of overcharges during each 30 day period is not confidential and should be publicly available. AT&T disputes Staff’s position and maintains that even as aggregated, the data is proprietary and should not be publicly disclosed.

2. RCW 80.04.095 provides, in relevant part, that records filed with the Commission “which contain valuable commercial information, including trade secrets or confidential marketing, cost, or financial information, or **customer-specific usage and network configuration and design information**, shall not be subject to inspection or copying” (Emphasis added.) Both the call detail information AT&T originally provided and Staff’s aggregation of that data satisfy this statutory standard.

3. As an initial matter, there are effectively two customers at issue with respect to the calls at issue in this proceeding: the called party who accepts the charges and the correctional facility where the calls originated. The term “customer-specific” as used in the statute thus applies not just to the party who pays for the call but also to the facility from which the call was placed. Staff may have aggregated the call detail information from the perspective of the called parties, but that data cannot be considered aggregated with respect to the two correctional facilities where all of the calls originated.

4. The “aggregated” call information is no less confidential than the individual call detail. The traffic volume from the correctional facilities is commercially valuable information that could be used by another service provider to target those customers. Declaration of James F. Dione (“Dione Decl.”) ¶ 3. A competitor with access to this information could determine whether and how to offer a competing service, including tailoring the type of service and the rates, terms, and conditions of that service to the established traffic volumes. This is precisely the type of customer-specific usage data that the statute was designed to protect.

5. The statute also protects “network configuration and design information.” Total traffic volumes from a particular customer location can be used to determine the

type and size of network facilities that have been deployed to serve that location. Dione Decl. ¶ 4. Indeed, traffic volume is the primary data on which network engineers rely to design and size network facilities. As the Commission should be aware from the data presented in the Triennial Review Order proceeding (Docket No. UT-033044) and Qwest Corporation's petitions for competitive classification (e.g., Docket No. UT-050258), all regulated telecommunications carriers consider the location, size, and configuration of their network facilities to be highly sensitive information, both from a competitive perspective and from a network security viewpoint. The "aggregated" data can be used to derive just such information and thus falls well within the protections afforded by RCW 80.04.095.

6. The data redacted from the Commission Complaint and the Staff Investigation Report and Addendum is properly designated as confidential information under RCW 80.04.095. The Commission, therefore, should continue to withhold that data from public disclosure.

Dated this 20th day of June, 2007.

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