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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

Docket No. UT-033044

QWEST’S MOTION TO MODIFY ORDER NO. 2; REQUEST FOR EXPEDITED RESOLUTION

Qwest Corporation (“Qwest”) hereby moves the Washington Utilities and Transportation Commission (“Commission”) for modification of Order No. 2, the protective order in this proceeding. Qwest specifically seeks modification of the provision in paragraph 15 that limits disclosure of Highly Confidential information to no more than two in-house experts.

Qwest requests that the provision be modified to allow up to eight (8) in-house experts to review Highly Confidential information, or, in the alternative, that the provision be modified to specify that the limitation of two in-house experts applies per subject area.¹ Qwest believes that this latter proposal is administratively more complex and therefore does not favor it, but offers it in the event that some of the other parties might find it more acceptable than simply increasing the overall number.

Qwest has reviewed the Highly Confidential information received to date, and the number of in-

¹ Qwest’s original intent regarding the limitation to two in-house experts was that there would be up to two experts per subject area. However, Qwest recognizes that that intent was not captured in the protective order as written, nor was it necessarily the intent of all of the other parties to this case. Qwest raises this issue only to clarify that it has always believed that it would need more than two in-house experts to have access to Highly Confidential information.

1 house experts who are involved in the preparation of Qwest's direct case. Qwest has concluded that in
2 order to effectively prepare its direct testimony, more than two in-house experts will need to review the
3 Highly Confidential information. Qwest has very few outside consultants or advisors in this proceeding,
4 and is preparing its case largely with in-house resources and experts. Thus, Qwest believes that it is
5 reasonable to increase the number of in-house experts from two (2) to eight (8). Qwest further believes
6 that this increase will not prejudice or disadvantage any party, especially in light of the Commission's
7 recent Order No. 5, requiring masking of the CLEC identity when Highly Confidential information is
8 submitted. This additional protection, which effectively hides the identity of the CLEC from everyone
9 except the parties' attorneys, should allow limited additional distribution of the Highly Confidential
10 information without jeopardizing the confidentiality of the information.

11 In light of the need for Qwest to prepare to file testimony on December 19, 2003, and to
12 appropriately distribute the Highly Confidential information already in its possession, Qwest respectfully
13 requests expedited resolution of this request.

14 Dated this _____ day of December, 2003.

15 QWEST

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17 _____
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