Richardson, William

From: Kopta, Greg [GregKopta@DWT.COM]

Sent: Thursday, June 26, 2003 7:37 PM

To: Richardson, William

Subject: FW: WUTC-023003 UserId and 3d party NDA

FYI

-----Original Message-----
From: Kopta, Greg
Sent: Thursday, June 26, 2003 4:00 PM
To: 'Strayer, Robert'; 'Aab (E-mail)'; 'Ddahlers (E-mail)'; 'Ddixon (E-mail)'; 'Harlow (E-mail)'; 'Harry Piskin (E-mail)'; 'Lisa Anderl'; 'Michel. Singer_Nelson (E-mail)'; 'Mtennyso (E-mail)'; 'Simonf (E-mail)'; 'Ssmith (E-mail)'
Cc: 'Ronis, Catherine'; 'lsfriesen@att.com'; 'nataliebaker@att.com'; 'ddenney@att.com'; 'rex.knowles@xo.com'; 'brightwell@att.com'; 'marymtaylor@att.com'; Weathers, Larry; Kopta, Greg; 'Mary Steele'
Subject: RE: WUTC-023003 UserId and 3d party NDA

I have just spoken with Bill Richardson about the concerns I expressed in my earlier e-mail, and I appreciate Verizon's responsiveness to those concerns. Based on that conversation, I understand that the third party protective agreement Verizon has proposed does not impose significant restrictions on the use of data designated as "third party confidential data" above and beyond the restrictions the Commission has adopted in its protective order and that parties may use this data -- including in filings with the Commission -- to the same extent that other confidential information may be used. I will review the agreement in more detail to ensure that this is correct and that I have no other concerns, and if that is the case, we would have no objection to Verizon's proposed procedure.

With respect to obtaining access to Verizon's web-based cost model, I understand from my conversation with Mr. Richardson that the issues I have with respect to access to, and use of, the model will be addressed as part of Verizon's ex parte presentation on July 8. Accordingly, we will arrange to obtain a pass code as Verizon outlined in its original message and will reserve raising any objections to Verizon's proposal until after the presentation on July 8.

Greg Kopta

-----Original Message-----
From: Kopta, Greg
Sent: Tuesday, June 24, 2003 11:32 AM
To: 'Strayer, Robert'; Aab (E-mail); Ddahlers (E-mail); Ddixon (E-mail); Kopta, Greg; Harlow (E-mail); Harry Piskin (E-mail); Lisa Anderl; Michel. Singer_Nelson (E-mail); Mtennyso (E-mail); Simonf (E-mail); Ssmith (E-mail)
Cc: Ronis, Catherine; 'lsfriesen@att.com'; 'nataliebaker@att.com'; 'ddenney@att.com'; 'rex.knowles@xo.com'; 'brightwell@att.com'; 'marymtaylor@att.com'; Weathers, Larry
Subject: RE: WUTC-023003 UserId and 3d party NDA

Verizon's proposal to restrict access to confidential documents filed as part of its direct cast on June 26 is unacceptable. The Commission long ago entered a protective order in this docket. If Verizon believes that that order does not provide sufficient protection for all confidential information, Verizon needs to file a motion to amend the protective order -- a process that Verizon should have undertaken more than four days before making a filing that includes that confidential information. AT&T and XO, therefore, refuse to execute Verizon's proposed "third-party non-disclosure agreement" and reserve their rights to seek to strike testimony and information that is not provided to all parties pursuant to Commission requirements.

In addition, there is no provision in the Commission's rules for relying on data that is not filed with the Commission or publicly available. A cost model available only through a password-protected website is

neither of these. Until the Commission specifically authorizes such a "filing," AT&T and XO oppose the unilateral requirements that Verizon is proposing on access to the cost model on which Verizon is relying, and AT&T and XO reserve the right to seek to strike testimony and information that is, or relies on, a cost model that is not provided to all parties pursuant to Commission requirements.

-----Original Message-----
From: Strayer, Robert [mailto:Robert.Strayer@wilmer.com]
Sent: Monday, June 23, 2003 2:46 PM
To: Aab (E-mail); Ddahlers (E-mail); Ddixon (E-mail); Gregkopta (E-mail); Harlow (E-mail); Harry Piskin (E-mail); Lisa Anderl; Michel. Singer_Nelson (E-mail); Mtennyso (E-mail); Simonf (E-mail); Ssmith (E-mail)
Cc: Ronis, Catherine
Subject: FW: WUTC-023003 UserId and 3d party NDA

In order to permit prompt access to the confidential materials in Verizon's recurring cost testimony that will be filed on June 26, we are circulating in advance for your review a third-party non-disclosure agreement modeled along the lines used in previous Commission proceedings, in order to comply with requirements imposed by certain of Verizon's vendors. Please execute and return to me the signature pages contained in this agreement in order to permit access to these third-party proprietary materials contained in Verizon's filing together with certifications executed by persons who seek such access. As a reminder, all persons who have not done so must also execute an agreement to comply with the terms of the protective order in order to receive access to confidential information contained in this filing.

In addition, because Verizon's cost model (VzCost) is contained on a web-based system, you will need to receive a password and user ID to obtain access to the system. Verizon has established the following procedure for this purpose:

1.   Each party should fax Marianne Anderson (202/663-6363) a written request for access to VzCost, including his or her full name, business address, phone number, and e-mail address. It would be helpful if you could include on one request the names of all such persons employed or retained by the same party.

2.   After confirming that each such individual has executed both of the foregoing certifications, we will forward the request to the VzCost System Administrator to obtain a userID and password for such individual.

3.   The VzCost System Administrator will e-mail the password directly to the requesting user, instructing the user that he or she will be receiving the user ID from his or her attorney, and that the system will become active upon receipt of that user ID. These instructions will further advise the user to change his or her provided password upon initial access to VzCost in order to prevent unauthorized use by or disclosure to others.

4.   We will forward the required userID from the VzCost Manager to the requesting party's attorney.

Please give me a call if you have any questions about this procedure.
Rob Strayer
Wilmer, Cutler & Pickering
2445 M Street, NW
Washington, DC 20037
tel: (202) 663-6544

fax: (202) 663-6363

Richardson, William

From: Steele, Mary [marysteele@dwt.com]

Sent: Friday, July 11, 2003 2:02 PM

To: Richardson, William

Cc: 'Aab (E-mail)'; 'Ddahlers (E-mail)'; 'Ddixon (E-mail)'; 'Harlow (E-mail)'; 'Harry Piskin (E-mail)'; 'Lisa Anderl'; 'Michel. Singer_Nelson (E-mail)'; 'Mtennyso (E-mail)'; 'Simonf (E-mail)'; 'Ssmith (E-mail)'

Subject: WUTC-023003 UserId and 3d party NDA

As we discussed last week, after reviewing the Verizon third-party protective order in more detail, I have concerns that it goes too far in a few areas. First, I think we will have problems with the limitation of 8 reviewers per party . I suggest that we increase the limit to 10.   Second, I need an understanding that the HAI Model falls within the definition of a model used "primarily for litigation support" as used in the agreement. I know this should be obvious, but I don't want to have to argue about how any model is "primarily" used.   Finally, the 3 years restriction on reviewers from taking any position involved in pricing, marketing, etc. is excessive , particularly in light of the current state of the telecom industry. these concerns or have others you would like to raise, perhaps we can set up a conference call to discuss the issues soon. I look forward to your input.

Please let me have your response on these issues a soon as possible so that we can arrange access to VZCOST.

On another matter, I have confirmed my understanding that the only confidential information contained within the HAI Model filing is confidential line count information from Verizon and Qwest. Let me know how you want to proceed on that basis.

August 4, 2003

VzCost Security Policy

System Security
- User ID and Password are required for access.
- Passwords are encrypted and cannot be unencrypted. As a result, after external users reset their initial passwords as instructed, no one at Verizon, including System Administrators, has the ability to see or retrieve those passwords.
- To guard further against unauthorized access, VzCost will time out after fifteen minutes without screen refresh.
- VzCost is encrypted using HTTPS standards, in the same manner as other secure internet transactions.
- Verizon's Information Technology - Security Architecture, Design & Implementation testing ensures that it conforms with all network and system security requirements and guidelines.

Accessibility of Studies and Runs
- Documents marked "Final and Filed" become owned by VzCost and cannot be edited or changed after the date of filing.
- All users can store, retrieve, and reproduce their prior studies and runs.
- Backward compatibility ensures that future enhancements to VzCost will not impair users' ability to retrieve, modify, or reproduce prior studies and runs.

User Security
- System Administrators may access the work of external VzCost users only in the following circumstances:
  - Without prior external user consent, System Administrators will access external user information only in an emergency. An emergency is defined as any situation that (1) places the system in jeopardy of failure or threatens harm to the system applications or data bases, or (2) prevents access by other system users. The procedure in such emergency situations will be first to call the user to provide notice of the system problem, and work with the user to resolve it. If the user cannot be contacted, or the problem cannot be resolved, the System Administrator will notify the user of the need to terminate access until Verizon is able to resolve the problem.
  - In all other situations, System Administrators will access external user information only following a prior request in writing or e-mail by the user. (VzCost contains an "Authorize Support Access" feature, accessible from the User Interface, which permits users to authorize administrator access to their information for a period of time determined by the user.)

- System Administrators will not disclose any information about external use of VzCost learned in the course of discharge of the foregoing functions to any other person, except to Verizon employees whose primary responsibility involves the maintenance of VzCost or associated databases, or the enforcement of privacy and security with respect thereto.
- No other Verizon personnel will be able to access the work of any external user of VzCost for any purpose.
- System Administrators will not discriminate between Verizon and external VzCost users, or among external VzCost users, in setting priorities for access to VzCost, or resolving the foregoing emergencies associated with access to or use of VzCost.
- All System Administrators will be required to certify their understanding of and agreement to comply with this VzCost Security Policy.
- External users can only view information that is specifically associated with their user IDs.
- External users cannot access, view, or change work of other VzCost system users.

<u>CERTIFICATION</u>

I certify that I have been given a copy of the VzCost Security Policy, have read and understand said Policy, and agree to comply with and be bound by it.

SIGNATURE: _____

TITLE: _____

DATE: _____