

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Second Investigation	)	
into the State of Competition in the Exchanges of	)	Case No. TO-2005-0035
Southwestern Bell Telephone, L.P., d/b/a	)	
SBC Missouri.	)	

**SBC MISSOURI'S  
MOTION TO ACCEPT GROUNDS FOR CLASSIFYING  
TESTIMONY OUT OF TIME**

SBC Missouri<sup>1</sup> respectfully requests the Missouri Public Service Commission ("Commission") to accept for filing out-of-time its grounds for classifying portions of its Direct Testimony as "Highly Confidential" or "Proprietary." The specific grounds for each designation are set out in Attachment 1, which is appended to and incorporated by reference into this Motion.

In support of this Motion, SBC Missouri states:

1. Under paragraph I of the Protective Order, a party designating portions of prefiled testimony as either "Highly Confidential" or "Proprietary" is required to provide the grounds for such classification within five (5) days of filing the testimony:

Within five (5) days of the filing of designated testimony, the party asserting the claims shall file with the Commission the specific ground or grounds for each claim. Such filing shall show the nature of the information sought to be protected and specifically state the alleged harm of disclosure.

2. SBC Missouri on October 29, 2004, filed its prefiled testimony in this case. Portions of the testimony of SBC Missouri witnesses Sylvia Fernandez, Sandy Moore, Elizabeth Stoia, and Craig Unruh were classified either as "Highly Confidential" or "Proprietary." Due to inadvertence, SBC Missouri did not supply the reasons for such classifications and just discovered this omission.

3. The Commission's acceptance now of the grounds for classifying this prefiled testimony should not prejudice any party to this proceeding. SBC Missouri supplied full copies of each piece of its Direct Testimony, including the "Highly Confidential" and "Proprietary"

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<sup>1</sup> Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, will be referred to in this pleading as "SBC Missouri."

portions, to counsel representing all parties in this proceeding by e-mail on the day of filing. Thus, any party wishing to challenge any of SBC Missouri's "Highly Confidential" or "Proprietary" designations could have done so already. In addition, parties would still have, under Commission rules, 10 days from today (the actual filing of the grounds supporting the designations) to raise challenges:

Unless good cause is shown, challenges to the confidential nature of prefiled designed testimony shall be filed with the Commission no later than ten (10) days after the grounds supporting the designations are filed or at the hearing, whichever occurs first.<sup>2</sup>

4. SBC Missouri seeks leave to file its grounds for classifying portions of its Direct Testimony in order to maintain the appropriate "Highly Confidential" or "Proprietary" designations. The designated portions of SBC Missouri's Direct Testimony generally contain financial information, marketing analysis or market-specific data pertaining to services SBC Missouri and its CLEC competitors offer in competition with each other. (The specific grounds for each designation are set out in Attachment 1, which is appended to this Motion). None of this information is generally available to the public. Much of the designated information is similar to that filed and considered "Highly Confidential" or "Proprietary" by the Commission in SBC Missouri's prior competitive classification case (Case No. TO-2001-467). The reasons for the "Highly Confidential" and "Proprietary" designations are generally the same as advanced in the prior case. Public disclosure of this information would result in competitive harm to SBC Missouri as specifically explained in Attachment 1.

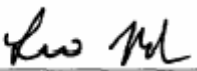
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<sup>2</sup> Protective Order, para. N.

WHEREFORE, SBC Missouri respectfully requests the Commission grant this request and accept SBC Missouri's Grounds for Classifying Testimony out of time.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE, L.P.  
D/B/A SBC Missouri

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SBC MISSOURI'S GROUNDS FOR DESIGNATION OF TESTIMONY  
Case No. TO-2005-0035

1. Sylvia Fernandez Direct Testimony - Page 15 and Schedule 4HC contain market share data for SBC Missouri's Plexar® service. This information has been designated as Highly Confidential because it is market-specific information relating to services offered in competition with others. Public disclosure of this information would competitively harm SBC Missouri. This information would be highly useful to SBC Missouri's competitors offering competing services in that it would help them determine whether to enter or exit specific markets, how to market their own service, and what products to offer.

Page 15 and Schedule 5P contain information concerning forecasted declines in Centrex service and forecasted growth of VoIP services. This information has been classified as proprietary because it is confidential and private business information that SBC Missouri either developed internally or obtained from third-party copywrited material that it purchased. Public disclosure of this information would competitively harm SBC Missouri. This information would be useful to SBC Missouri's competitors in that it would help them evaluate their own Centrex offerings and determine whether to enter the VoIP market and what products to offer.

Pages 19, 21 and Schedules 6P and 8P contain information concerning SBC Missouri's spending on advertising and estimated advertising spends of its competitors. SBC Missouri classified this information as Proprietary because it is confidential and private financial and business information that SBC Missouri either maintains internally (its own advertising spend) or obtained from copywrited third-party material it purchased. Public disclosure of this information would competitively harm SBC Missouri. This information would be useful to SBC Missouri's competitors in that it would help them determine how to market their own services and what to spend on advertising.

2. Sandy Moore Direct Testimony - Page 19 contains market share information SBC Missouri obtained from private surveys it conducted in its territory to determine how customers obtain directory assistance ("DA") listing information. SBC Missouri classified this information as Highly Confidential because it pertains to marketing analyses and market-specific information relating to the use of DA services, white and yellow page directories, wireless DA, and other services, which are all services offered in competition with others. Public disclosure of this information would competitively harm SBC Missouri. This information would be highly useful to SBC Missouri's competitors in that it would help them determine whether to enter or exit specific markets and what products to offer.

Schedule 1HC contains SBC Missouri's retail national directory assistance call volumes for the years 2002, 2003 and 2004 September year-to-date. This information has been classified as Highly Confidential because it is a marketing analysis and market-specific information relating to directory assistance which is a service offered in competition with

others. Public disclosure of this information would competitively harm SBC Missouri. This information would be highly useful to SBC Missouri's competitors offering competing services in that it would help them determine whether to enter or exit specific markets and what products to offer.

3. Elizabeth Stoia - Page 9, 5HC and 10HC contain data concerning an analysis of the revenue SBC Missouri loses from each customer lost to competition, and the competitive losses SBC Missouri has suffered on a monthly basis, broken down by exchange. This information has been classified as Highly Confidential because it contains marketing analysis and is market-specific information relating to the telephone services SBC Missouri offers in competition with others. Public disclosure of this information would competitively harm SBC Missouri. This information would be useful to SBC Missouri's competitors in that it would help them determine whether to enter or exit specific markets, what products to offer, and how to price packages of services.

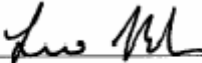
Schedule 4P contains an estimate of the number of households in Missouri with access to cable modem service and DSL service. This information has been classified as Proprietary because it is confidential and private business information that SBC Missouri obtained from internal sources and from external copywrited material that it purchased. Public disclosure of this information would competitively harm SBC Missouri. This information would be useful to SBC Missouri's competitors in that it would help them determine whether to enter the VoIP market.

4. Craig Unruh - Pages 30-34 and Schedules 6HC, 10HC, 11HC, 12HC and 13HC contain specific market share information for SBC Missouri. SBC Missouri classified this information as Highly Confidential because it is a marketing analysis and market-specific information relating to the telephone services SBC Missouri offers in competition with others. Public disclosure of this information would competitively harm SBC Missouri. This information would be highly useful to SBC Missouri's competitors offering competing services in that it would help them determine whether to enter or exit specific markets and what products to offer.

Exhibit 9HC contains information concerning the number of CLECs that collocate in SBC Missouri central offices in its exchanges throughout Missouri. This information has been classified Highly Confidential because it contains market-specific information relating to competitive services. Public disclosure of this information would harm SBC Missouri in that it would assist competitors in making decisions on where to market their own services.

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing document were served to all parties by e-mail on November 16, 2004.

  
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