

Paul G. Lane
General Counsel-
Missouri

Southwestern Bell Telephone
One Bell Center, Room 3520
St. Louis, Missouri 63101
Phone 314 235-4300
Fax 314 247-0014

February 18, 2000



The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
301 West High Street, Floor 5A
Jefferson City, Missouri 65101

FILED²

FEB 18 2000

Missouri Public
Service Commission

Re: Case No. TO-2000-322

Dear Judge Roberts:

Enclosed for filing with the Commission in the above-referenced case is an original and 14 copies of Southwestern Bell Designation of Proprietary and Highly Confidential Information.

Thank you for bringing this matter to the attention of the Commission.

Very truly yours,

Paul G. Lane /tm

Paul G. Lane

Enclosure

cc: Attorneys of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

FEB 18 2000

Missouri Public
Service Commission

In the Matter of the Petition of DIECA)
Communications, Inc. d/b/a Covad)
Communications Company for Arbitration)
of Interconnection Rates, Terms, Conditions)
and Related Arrangements with Southwestern)
Bell Telephone Company.)

Case No. TO-2000-322

**SOUTHWESTERN BELL DESIGNATION OF PROPRIETARY AND HIGHLY
CONFIDENTIAL INFORMATION**

COMES NOW Southwestern Bell Telephone Company ("SWBT") and pursuant to the Regulatory Law Judge's directive in this case, hereby provides its designation of materials which are considered proprietary or highly confidential and contained in Exhibits 9 and 10 entered into evidence by Covad in this matter.

1. At the hearing in this matter, Covad introduced Exhibits 9 and 10 into the record. At the time the matters were admitted, the Regulatory Law Judge determined that SWBT would have until February 18, 2000, to submit its designation of which portions of those exhibits are deemed proprietary or highly confidential. Pursuant to that directive, SWBT submits the following designations.

2. With regard to Exhibit 9A, excerpts from the deposition of James R. Smallwood, SWBT designates the following transcript cites as highly confidential:

- A. Page 80, line 19;
- B. Page 91, lines 6, 13, and 15;
- C. Page 95, lines 11 and 22;
- D. Page 98, line 22;
- E. Page 100, lines 12, 13, 15, and 16;

F. Page 105, lines 1, 4, and 5;

G. Page 115, lines 5, 17;

H. Page 116, line 10;

I. Page 119, line 22; and

J. Page 121, line 2.

3. With regard to Exhibit 9, the attachments to the deposition of James R.

Smallwood, SWBT designates as follows:

A. Exhibit 10 to the deposition is designated as proprietary.

B. Exhibit 12 to the deposition is designated as highly confidential.

C. Exhibit 13 is designated as highly confidential.

D. Based on agreement with counsel for Covad, it is SWBT's understanding that Exhibit 14 to the deposition will be withdrawn and be replaced by designated portions of that document. Covad is to submit the revised portions of Exhibit 14 to Exhibit 9 by February 18, 2000. Those pages are designated as highly confidential, as is the entirety of Exhibit 14.

E. Exhibit 17 to the Smallwood deposition excerpt is designated as highly confidential

4. With regard to Exhibit 9B, excerpts from the deposition of Dave S.

Borders, SWBT advises that those portions are neither proprietary nor highly confidential under the Protective Order entered in this case.

5. With regard to Exhibit 9B, excerpts from the deposition of John P. Lube, taken in a Kansas proceeding involving an arbitration between Covad and SWBT, the following matters are considered highly confidential:

The sentence beginning on page 125, line 23 and concluding on page 126, line 6; the sentence beginning on page 131 at line 3 and ending at line 10; and the sentence beginning on page 134, line 1 and concluding at line 4.

6. With regard to Exhibit 10, the cover sheet submitted at the hearing identifies documents as proprietary or highly confidential. That designation is correct, except that the cover sheet should be revised to reflect that the answer to Data Request Number 57, along with the attachment to response, is also considered highly confidential.

WHEREFORE, Southwestern Bell respectfully requests the Commission to accept this designation and to reflect these designations in the official case file and all associated records.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

By Paul G. Lane /tm
PAUL G. LANE #27011
LEO J. BUB #34326
ANTHONY K. CONROY #35199
MIMI B. MACDONALD #37606
Attorneys for Southwestern Bell Telephone Company
One Bell Center, Room 3520
St. Louis, Missouri 63101
(314) 235-4300 (Telephone)
(314) 247-0014 (Facsimile)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document were served to all parties on the Service List by Facsimile and by Airborne Express on February 18, 2000.

Paul G. Lane
Paul G. Lane

WILLIAM HAAS
MISSOURI PUBLIC SERVICE COMMISSION
301 WEST HIGH STREET, SUITE 530
JEFFERSON CITY, MO 65102

LISA C. CREIGHTON
MARK P. JOHNSON
SONNENSCHN, NATH & ROSENTHAL
4520 MAIN STREET, SUITE 1100
KANSAS CITY, MO 64111