

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

In the Matter of Southwestern Bell Telephone,)	
L.P., d/b/a SBC Missouri's Request for)	Case No. TO-2006-0093
Competitive Classification Pursuant to Section)	Tariff File No. YI-2006-0144
392.245.6 RSMo (2005) - 30-Day Petition.)	

In the Matter of Southwestern Bell Telephone,)	
L.P., d/b/a SBC Missouri's Request for)	Case No. TO-2006-0102
Competitive Classification Pursuant to Section)	Tariff File No. YI-2006-0145
392.245.6 RSMo (2005) - 60-Day Petition.)	

**SBC MISSOURI'S
RESPONSE TO OPC DECLASSIFICATION MOTIONS**

SBC Missouri¹ respectfully requests the Missouri Public Service Commission ("Commission") to deny Office of the Public Counsel's ("OPC's") Motions² to declassify certain exhibits, which SBC Missouri designated as Highly Confidential ("HC").

SBC Missouri is filing this Response on an expedited basis³ pursuant to the Commission's Order Directing Filing.⁴ SBC Missouri appreciates the opportunity being provided by the Commission to respond to OPC's Motion.

1. Maps (Exhibits A-3, A-4, B-3 and B-4). OPC appears to claim that SBC Missouri is attempting to withhold the identity of the exchanges in which it is seeking competitive classification for its services by classifying the maps attached to its Application as HC:

SBC has not provided an adequate reason to classify as Highly Confidential the maps of the exchanges SBC seeks to classify as competitive, the identity of some

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

² OPC filed identical Motions to Declassify in Case Nos. TO-2006-0093 (the 30-day proceeding) and TO-2006-0102 (the 60-day proceeding). This response addresses the claims in both of OPC's filings and is being filed in both cases.

³ Pursuant to Commission Rule 4 CSR 240-2.080(15), parties "shall be allowed not more than ten (10) days from the date of filing in which to respond to any pleading unless otherwise ordered by the Commission." The 5-day requirement to supply grounds for material classified as HC or proprietary pertains only to testimony. See Protective Order, issued September 6, 2005, p. 4, para. I.

⁴ See, Order Shortening Time for Filing of Responses and Directing filing, issued September 8, 2005, in Case No. TO-2006-0093; and Order Shortening Time for Filing of Responses and Directing Filing, issued September 8, 2005, in Case No. TO-2006-0102.

of the qualifying competitors and the sources used to identify those competitors, as well as the number of competitors reported as providing service in the affected exchanges. (Petition, para. 31 and 32). As the basis for reclassification under Section 342.245 RSMo (as amended 2005), [sic] information should be public so that customers and competitors can identify the exchanges and know the factual basis upon which SBC relies upon in its Application. This allows interested parties to file informed comments either in opposition to or in support of the reclassification request and comment on the public interest aspect of the competitive classification.⁵

OPC is mistaken. SBC Missouri has no desire to withhold the names of the exchanges in which it seeks competitive classification for its services. Contrary to OPC's claim, SBC did not classify the maps (Exhibits A-3, A-4, B-3 and B-4) as Highly Confidential. And even in the exhibits that do contain HC information,⁶ SBC Missouri did not classify the portion of those exhibits that specifically identifies the exchanges in which it is seeking competitive classification for its services. Further, the list of the exchanges in which SBC Missouri seeks competitive classification are also specifically identified in the tariffs it filed simultaneously with the Petition.⁷

2. Identity of Competitors and Source of Information. OPC also claims SBC Missouri has not provided an adequate reason to classify as Highly Confidential "the identity of some of the qualifying competitors and the sources used to identify those competitors, as well as the number of competitors reported as providing service in the affected exchanges."⁸

OPC's claims are misplaced. SBC Missouri explained in its Motion for Protective Order (which accompanied the Petition for Competitive Classification) that the data SBC Missouri filed to support its Petition pertained to specific interconnection and facility arrangements with its wholesale CLEC customers and the level of competition in specific wire centers. SBC Missouri

⁵ OPC's Motion to Declassify, p. 1.

⁶ Exhibits A-1(HC), A-2(HC), B-1(HC) and B-2(HC).

⁷ See, SBC Missouri's proposed revision to its list of competitive exchanges for business services, Section 32.1 of P.S.C. Mo.-No. 35, General Exchange Tariff, 2nd Revised Sheet 1, filed August 30, 2005, Tariff File No. YI-2006-0144; and SBC Missouri's proposed revisions to its list of competitive exchanges for residential services, Section 32.2 of P.S.C. Mo.-No. 35, General Exchange Tariff, 1st Revised Sheet 3, filed August 30, 2005, Tariff File No. YI-2006-0145.

⁸ OPC's Motion to Declassify, p. 1.

stated that this private business information cannot be found in any format in any public document and its public disclosure would harm SBC Missouri and other companies' respective business interests.⁹

And in its Petition, SBC Missouri was even more specific. It explained that the classified information in Exhibits A-1(HC) and A-2(HC), which was provided for the 30-day proceeding, was derived from its internal wholesale business records on CLEC service arrangement migrations from UNE-P to CLEC facilities,¹⁰ directory listings for companies providing service using their own facilities,¹¹ and from CLEC E-911 listing information.¹² The classified data displayed in Exhibits A-1(HC) and A-2(HC) identifies certain of SBC Missouri's wholesale CLEC customers that, on an exchange-specific basis, have migrated retail end users from UNE-P or have E-911 or directory listings for such retail end user customers. There should be no question that this information qualifies for Highly Confidential treatment as it constitutes "information relating directly to specific customers" (here, SBC Missouri wholesale customers).¹³

In addition, SBC Missouri explained that Exhibits B-1(HC) and B-2(HC) disclosed for the 60-day proceeding the specific number of competitive carriers using wholesale services from SBC Missouri under a commercial agreement or UNE-P in each SBC Missouri exchange in which competitive classification was being sought. There should similarly be no question that

⁹ See, SBC Missouri's Motion for Protective Order, filed August 30, 2005, in Case No. TO-2006-0093, p. 1.

¹⁰ Specifically, SBC Missouri explained that when a CLEC migrates from UNE-P (under which a CLEC purchases switching and loop element from an incumbent LEC) to a CLEC's own facilities (or those of another CLEC), SBC Missouri's internal business records reflect the disconnection of a particular CLEC customer's loop from SBC Missouri's switch. In these two exhibits, SBC Missouri included UNE-L CLECs that ported UNE-P customer telephone numbers to the UNE-L provider switch (*i.e.*, CLEC migrating a telephone number and a loop), and CLEC utilizing only local number portability (*i.e.*, CLEC migrating a telephone number without an associated UNE loop or switch port). See SBC Missouri's Petition for Competitive Classification, p. 11.

¹¹ Id.

¹² The appearance of a CLEC's customer in the E-911 database reflects the CLEC's provision of service in an exchange utilizing its own switching. Id.

¹³ See, Protective Order issued in Case No. TO-2006-0093, issued September 2, 2005, at p. 1.

this information qualifies for Highly Confidential treatment because it constitutes “information relating directly to specific customers” (SBC Missouri wholesale customers).

The information SBC Missouri supplied in these four exhibits also qualifies for Highly Confidential treatment on the basis that it is “market-specific information relating to services offered in competition with others.”¹⁴ On the wholesale side, there are now carriers providing wholesale services (such as switching or other facilities) to other carriers for use in the provision of retail services. Exhibits B-1(HC) and B-2(HC) show the number of SBC Missouri’s wholesale customers in each exchange for residence and/or business services, which would be valuable to other wholesale service providers in the marketing of their wholesale services. On the retail side, Exhibits B-1(HC) and B-2(HC) may give other retail telecommunications carriers insight into the exchanges being targeted by SBC Missouri’s wholesale customers. And Exhibits A-1(HC) and A-2(HC) identify specific exchanges in which certain SBC Missouri wholesale customers are providing retail services.

3. Classification Was Also Intended to Protect CLEC Data. In addition, it is possible that some CLECs may view the information in Exhibits A-1(HC), A-2(HC), B-1(HC) and B-2(HC) as confidential. In an effort to accord appropriate confidential treatment to the information pertaining to its wholesale CLEC customers in this proceeding, SBC Missouri filed both a Non-Proprietary version of the Petition for Competitive Classification (with the HC material redacted so it could be made available to the public) and a Highly Confidential version which it filed with the Commission subject to protection under Section 386.480 RSMo (2000).¹⁵

¹⁴ Id.

¹⁵ Section 386.480 RSMo (2000) provides:


Information not to be divulged - exception - penalty. - No information furnished to the commission by a corporation, person or public utility, except such matters as are specifically required to be open to public inspection by the provisions of this chapter, or chapter 610 RSMo, shall be open to public inspection or made public except on order of the commission, or by the commission or a commissioner in the course of a hearing or proceeding. The public counsel shall have full and complete access to public service commission files and records. Any officer or employee of the commission or the public counsel or any employee of the public counsel who, in violation of the provisions of this section divulges any such information shall be guilty of a misdemeanor.

SBC Missouri also sought the issuance of a protective order, and requested that once the order was issued, that the designated information be treated as Highly Confidential.

WHEREFORE, having shown that the data contained in Exhibit A-1(HC), A-2(HC), B-1(HC) and B-2(HC) is entitled to Highly Confidential treatment pursuant to the standards in the Commission's Protective Order, SBC Missouri respectfully requests the Commission to deny OPC's Motion to Declassify.

Respectfully submitted,

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

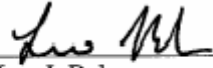
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document were served to all parties by e-mail on September 12, 2005.



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