

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

In the Matter of the Review of the Competitive)
Classification of the Exchanges of Southwestern) Case No. TO-2007-0053
Bell Telephone, L.P., d/b/a AT&T Missouri.)

**AT&T MISSOURI’S RESPONSE
TO OPC’S MOTION TO DECLASSIFY**

AT&T Missouri¹ respectfully requests the Missouri Public Service Commission (“Commission”) to deny Office of the Public Counsel’s (“OPC’s”) Motion to declassify certain exhibits, which AT&T Missouri designated as Highly Confidential (“HC”).

AT&T Missouri is filing this Response on an expedited basis² pursuant to the Commission’s Order Directing Filing.³ AT&T Missouri appreciates the opportunity being provided by the Commission to respond to OPC’s Motion.

1. In accordance with the Protective Order issued in this case, information is entitled to highly confidential classification and is not to be made public if it concerns:

- (1) Material or documents that contain information relating directly to specific customers;
- (2) Employee-sensitive information;
- (3) Marketing analysis or other market-specific information relating to services offered in competition with others;
- (4) Reports, workpapers or other documentation related to work produced by internal or external auditors or consultants;
- (5) Strategies employed, to be employed, or under consideration in contract negotiations.⁴

¹ Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri, will be referred to in this pleading as “AT&T Missouri” or “AT&T.”

² 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 August 14, 2006, p. 4, para. K.

³ See, Order, issued March 2, 2007, in Case No. TO-2007-0053.

⁴ Protective Order issued in Case No. TO-2007-0053, issued August 14, 2006 at p. 1, para. A. See also 4 CSR 240-2.135(1)(B).

2. Here, AT&T Missouri classified Schedules 2(HC), 3(HC), 4(HC) and 5(HC) from Mr. Unruh's rebuttal testimony as highly confidential because they contain "information relating directly to specific customers," specifically AT&T Missouri wholesale customers.⁵ While Public Counsel claims that the names of CLECs and where they offer service are "typically available on many public websites, in advertising brochures, and in other promotional material that indicate . . . availability,"⁶ none of the highly confidential information contained in Mr. Unruh's highly confidential schedules came from such public sources. Rather, the identity of these providers in these specific exchanges was derived from AT&T Missouri internal wholesale business records that reflect AT&T Missouri's billing of wholesale services provided to specific CLECs in specific exchanges under a commercial agreement; the porting of former AT&T Missouri telephone numbers in particular exchanges to CLECs for their use in those specific exchanges; or the appearance of a CLEC's customer in the E-911 database, which reflects the CLEC's provision of service in a specific exchange utilizing its own facilities. There should be no question that this information qualifies for highly confidential treatment as it constitutes "information relating directly to specific customers" (here, AT&T Missouri wholesale customers).⁷

3. As AT&T Missouri explained in its filing letter (which accompanied Mr. Unruh's rebuttal testimony) the data AT&T Missouri filed to support its position pertained to specific interconnection and facility arrangements with its wholesale CLEC customers and the level of competition in specific exchanges. This private business information cannot be found in any format in any public document and its public disclosure would harm AT&T Missouri and other companies' respective business interests.⁸

4. The information AT&T Missouri supplied in these four schedules also qualifies for highly confidential treatment on the basis that it is "market-specific information relating to services

⁵ AT&T Missouri would note that in Schedule 4(HC) on lines 12 and 13 and in Schedule 5(HC) on lines 29 and 30, it inadvertently classified Missouri Telecom as HC. AT&T Missouri obtained the information concerning Missouri Telecom from that company's public annual report. Accordingly, that information should not be HC and AT&T Missouri will correct it at the hearing.

⁶ OPC Motion to Declassify at p. 2.

⁷ See, Protective Order issued in Case No. TO-2007-0053, issued August 14, 2006, at p. 1.

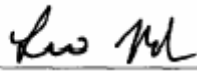
⁸ See, AT&T Missouri's Motion for Protective Order, filed August 14, 2006, in Case No. TO-2007-0053, p. 1.

offered in competition with others.”⁹ 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. Schedules 2(HC), 3(HC), 4(HC) and 5(HC) show the number of AT&T 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, these schedules may give other retail telecommunications carriers insight into the exchanges being targeted by AT&T Missouri’s wholesale customers and identify specific exchanges in which certain AT&T Missouri wholesale customers are providing retail services.

WHEREFORE, having shown that the data contained in Schedules 2(HC), 3(HC), 4(HC) and 5(HC) is entitled to highly confidential treatment pursuant to the standards in the Commission’s Protective Order, AT&T Missouri respectfully requests the Commission to deny OPC’s Motion to Declassify.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE, L.P.,
D/B/A AT&T MISSOURI

BY 

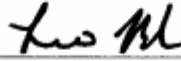
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⁹ Id.

CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by e-mail on March 6, 2007.



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