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Missouri Public
Service Commission

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

Alma Telephone Company, et al.,)	
)	
Petitioners,)	Case No. TC-2002-194
)	
vs.)	
)	
Southwestern Bell Telephone Company,)	
Sprint Missouri, Inc., et al,)	
)	
Respondents.)	

**SOUTHWESTERN BELL TELEPHONE COMPANY'S RESPONSE TO AT&T
REGARDING PROTECTIVE ORDER**

The Missouri Public Service Commission should disregard AT&T Communications of the Southwest, Inc.'s late-filed comments opposing Petitioners' request for issuance of the Commission's Standard Protective Order. The concerns AT&T has expressed are unfounded and it would be inappropriate to jettison the Commission's standard Protective Order.

1. In yet another attempt to scrap the Commission's Standard Protective Order in favor of its own,¹ AT&T expresses the concern that its personnel will be precluded from accessing traffic information produced by other parties relating to traffic that AT&T originates as a CLEC:

...under the current protective order, to the extent Southwestern Bell, Verizon or Sprint disclose information regarding AT&T-originated traffic that these companies transit to the Petitioners, AT&T personnel would be denied access to such information and could not analyze and assess the accuracy of the information these companies produce. Such an outcome is antithetical and deprives AT&T of the ability to defend itself.²

AT&T's claim is misplaced. While traffic data pertaining to calls AT&T originates as a CLEC should generally be considered highly confidential ("HC"), that information should not be

¹ AT&T has also sought to have the Standard Protective Order replaced with one that it prefers in Case Nos. TR-2001-65 and TO-2002-397.

considered HC as to AT&T, or as to any other carrier on the call path. The customer communication and call related information flows from the originating carrier to all carriers on the call path, and is (or should be) provided by the originating carrier so that the other carriers handling the call can correctly route and bill the call. While that information is appropriately classified as HC, that designation does not preclude the originating carrier's personnel from accessing traffic data relating to their own customers' calls.

2. AT&T is also incorrect in its claim that the Commission's Standard Protective Order is not workable and discriminates between litigants. As the Commission is aware, parties from the various utility fields that practice before it have employed the Commission's Standard Protective Order in thousands of cases over the years to ensure that information can be disclosed in regulatory proceedings in ways that protect the legitimate business interests of a party and allow the Commission to make appropriate decisions. The availability of separate "Highly Confidential" and "Proprietary" designations contained in the Commission's Standard Protective Order was adopted by the Commission based on the input of diverse parties in Case Nos. TC-89-14, et al., and has been utilized successfully in numerous proceedings since then. In Case Nos. TC-89-14, et al., the Commission initially established a Protective Order with only one category of "confidential" information.³ Just three months after adopting its initial Protective Order, however, the Commission found the single classification of "confidential" to be unworkable, and adopted a modified Protective Order containing two separate classifications of confidential information, "HIGHLY CONFIDENTIAL" and "PROPRIETARY."⁴

² AT&T Opposition, p. 2, filed May 9, 2002 in Case No. TC-2002-194.

³ Order Modifying Protective Order and Granting Late Filed Intervention, Case Nos. TC-89-14, TC-89-21, TO-89-29, and TO-89-10, p. 2 (issued November 8, 1988).

⁴ Id., p. 8.

3. The Protective Order adopted by the Commission in Case Nos. TC-89-14, et al. -- and in particular the dual classification framework for Highly Confidential and Proprietary information -- has unquestionably stood the test of time. It has proven to be a highly effective tool which carefully balances the needs of both the party seeking production of sensitive company-specific information and the party producing such information. The Standard Protective Order ensures reasonable access to proprietary and HC information to parties who would not otherwise have a right to review such material, but under conditions which protect the legitimate interests of the producing party. Contrary to AT&T's claim, it is precisely this Standard Protective Order that has allowed the regulatory process to work in Missouri.

4. On various occasions, some parties have sought modifications to the Commission's Standard Protective Order and on each occasion, the Commission rejected the attempt.⁵ The Commission should similarly reject the attempt to modify the Commission's Standard Protective Order in this case.

⁵ See e.g., Case No. TO-97-40, Order Addressing Motion to Establish Procedural Schedule and Adopt Protective Order, issued August 9, 1996 at p. 4; Case No. TO-2000-322, Order Regarding Arbitration, issued November 29, 1999 at p. 3; and Case No. TO-2001-440 Order Regarding Motion for Reconsideration, issued October 9, 2001 at p. 4.

WHEREFORE, Southwestern Bell respectfully requests the Commission to deny AT&T's request that its own version of a protective order be imposed. Instead, the Commission should grant Petitioners Alma, et al.'s Motion for adoption of the Commission's Standard Protective Order.

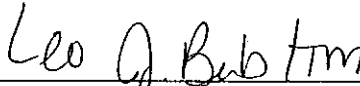
Respectfully submitted,

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CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by first-class, postage prepaid, U.S. Mail on May 20, 2002.



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