



On March 8, Easy Telephone filed a motion asking the Commission to direct Staff to provide it with an unredacted copy of the e-mail that Staff relied upon to withdraw its favorable recommendation about Easy Telephone's application. Easy Telephone complained that with so much information removed from the e-mail, it was unable to prepare a response to the allegations described in the e-mail. Staff responded to Easy Telephone's motion for disclosure on March 9, and suggested the Commission release the e-mail to legal counsel for Easy Telephone, but designate the currently redacted information as either proprietary or highly confidential.

On March 11, before the Commission could rule on its motion for disclosure, Easy Telephone filed an extensive response to the allegations reported by Staff, on the assumption that it already knew the identity of the alleged whistleblower and the details of the alleged fraudulent activity. Staff responded later that same day, saying it was reviewing Easy Telephone's response and indicating it would file a further recommendation by April 1. The Commission will direct Staff to do so.

Staff's March 11 response tacitly confirms that Easy Telephone has "discerned the identity and company of the whistleblower," and suggests that the issue surrounding the disclosure of the unredacted e-mail is therefore moot. Unfortunately, that matter is not entirely moot. First, Staff has thus far filed only the redacted e-mail. That means the Commission has never seen the unredacted e-mail. Second, Easy Telephone filed both highly confidential and public versions of its response, redacting most identifying information from the public version of the response. Presumably, Easy Telephone did so to avoid disclosing information that Staff was treating as highly confidential.

If certain information should not be disclosed to the public, then the Commission is willing to treat that information as confidential. However, information in the Commission's files should be available to the public unless there is a reason why it should not be disclosed. Therefore, the Commission will direct both Staff and Easy Telephone to indicate what, if any, information filed in this case should be confidential. So that the Commission can rule on the confidentiality issue before Staff files its April 1 recommendation, the Commission will direct Staff and Easy Telephone respond by March 25.

**THE COMMISSION ORDERS THAT:**

1. The Staff of the Commission and Easy Telephone Service Company, d/b/a Easy Wireless shall file pleadings no later than March 25, 2011, indicating what, if any, information filed in this case should be confidential.

2. No later than April 1, 2011, the Staff of the Commission shall file an updated recommendation that replies to Easy Telephone Service Company, d/b/a Easy Wireless' March 11, 2011 response.

3. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**

( S E A L )



**Steven C. Reed  
Secretary**

Morris L. Woodruff, Chief Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 22<sup>nd</sup> day of March, 2011.