

**BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION**

In the Matter of a Commission Inquiry into                 )  
the Possibility of Impairment without                         ) Case No. TO-2004-0207  
Unbundled Local Circuit Switching When                    )  
Serving the Mass Market.   )

**MCI'S RESPONSE TO SPRINT'S MOTION  
TO MODIFY PROTECTIVE ORDER**

Come Now MCImetro Access Transmission Services, LLC, MCI WorldCom Communications, Inc., Brooks Fiber Communications of Missouri, Inc., and Intermedia Communications, Inc. (collectively herein "MCI") pursuant to 4 CSR 240-2.080(15) and 4 CSR 240-2.085 and for their Response to Sprint's Motion to Modify Protective Order state to the Commission:

1. MCI supports Sprint's Motion. As the Commission is aware, it issued the Protective Order in this case without any input from the parties. Input has been further limited by the direction that responses to Sprint's Motion be filed immediately. However, MCI has endeavored to develop a full response. As indicated by Sprint's Motion, the Protective Order places unreasonable restrictions upon parties and would significantly impair the ability of many parties, including MCI, to participate fully in this important proceeding. As Sprint argues, such restrictions raise due process concerns.

2. Attached hereto the Commission will find a suggested revised protective order (in redline), which MCI requests that the Commission issue in place of the current order. This revised model order addresses Sprint's concerns, as well as concerns that MCI understands smaller companies are expressing in pleadings being filed contemporaneously with this Response.

3. In the attached model protective order, greater access would be afforded to in-house experts working on the proceedings, while still assuring no improper use of confidential information. HC material could only be reviewed by employees with a need to know for purposes of the proceeding, and a new subcategory of HC-Restricted Access is created to provide more restricted access to only certain types of employees to the most sensitive of information. As indicated, an exception is allowed for smaller companies whose employees often have multiple duties beyond involvement in regulatory proceedings. Burdensome requirements of on-premises inspections of HC materials (except for Restricted Access) are eliminated except for voluminous documents. Time periods regarding justifications of confidential designations and disputes regarding same are shortened given the fast track of this proceeding. Unnecessary restrictions upon use of information in related proceedings (which simply creates the burden of repetitive discovery) are lessened.

4. MCI submits that the suggested revised protective order attached hereto strikes a more fair balance between the interests of the owner of confidential information and the due process rights of parties advancing positions in this case. The suggested new order addresses the concerns expressed in Sprint's Motion as well as the concerns of smaller companies.

WHEREFORE, MCI respectfully requests that the Commission grant Sprint's Motion, grant the relief sought by smaller companies, and issue a new protective order in the form attached hereto.

Respectfully submitted,

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**Certificate of Service**

A true and correct copy of the foregoing was served upon the parties identified on the attached service list on this 19th day of November, 2003 by either placing same in the U.S. Mail, postage paid or via e-mail.

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