

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, suggesting that the Commission release the e-mail to legal counsel for Easy Telephone, but designate the 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. Easy Telephone filed both a highly confidential and a redacted, public version of its response, designating most of the details of its response as highly confidential. Staff replied to Easy Telephone's response on March 11, confirming that Easy Telephone has "discerned the identity and company of the whistleblower," and suggesting that the issue surrounding the disclosure of the unredacted e-mail is therefore moot.

Because of the confusion surrounding these matters, the Commission directed both Staff and Easy Telephone to file an additional pleading explaining what, if any, information filed in this case should be treated as confidential. Easy Telephone responded on March 25, indicating its belief that the information designated as highly confidential in its March 11 response should remain confidential. While it wants to be able to rebut the allegations made to Staff, it does not believe the whistleblower's name and other identifying information should be made available to the public. Staff filed its own response later on March 25, indicating its agreement with Easy Telephone's position on confidentiality. Staff

asks the Commission to provide specific instructions on how confidential information is to be handled.

The Commission's rule on the handling of confidential information, 4 CSR 240-2.135, allows for the designation of confidential information as either highly confidential or proprietary. Both designations protect confidential information from disclosure to the public, but a highly confidential designation imposes additional restrictions on the use of the information, including restrictions on the ability of Easy Telephone's employees to view the information. The additional restrictions that accompany a highly confidential designation are unnecessary in this case, where Easy Telephone already possesses the confidential information. Therefore, it is more appropriate to designate the confidential information as proprietary.

THE COMMISSION ORDERS THAT:

1. The Staff of the Commission shall file an unredacted copy of the e-mail that led it to withdraw its recommendation and shall designate that unredacted copy as proprietary.

2. The unredacted version of Easy Telephone Service Company, d/b/a Easy Wireless' March 11, 2011 Response to Staff Report and Withdrawal of Staff Recommendation, currently designated as highly confidential, shall be redesignated as proprietary.

3. This order shall become effective immediately upon issuance.

BY THE COMMISSION

(S E A L)

A handwritten signature in black ink, appearing to read "S. Reed", is positioned above the printed name of the signatory.

**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 28th day of March, 2011.