

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

Application of USCOC of Greater Missouri, LLC )  
for Designation as an Eligible Telecommunications )  
Carrier Pursuant to the Telecommunications Act of )  
1996 )

Case No. TO-2005-0384

**STAFF SUGGESTIONS IN OPPOSITION TO AT&T MISSOURI'S  
MOTION TO RECLASSIFY CERTAIN INFORMATION**

COMES NOW the Staff of the Missouri Public Service Commission and, for its response in opposition to AT&T Missouri's motion, states:

1. On August 11, 2006, USCOC of Greater Missouri, LLC, d/b/a U.S. Cellular, filed certain documents intended to comply with the Commission's March 21 Order directing it to explain how it would use support from the Federal Universal Service Fund to upgrade its network through improved coverage, signal strength or capacity, in ways that would not otherwise occur without the receipt of high-cost support, during its first two years as an ETC. Five appendices providing details about U.S. Cellular's plan, which U.S. Cellular designated as highly confidential, were attached to that compliance filing. On August 31, AT&T Missouri filed a motion asking the Commission to reclassify appendices 1, 2, 4 and 5 as proprietary rather than highly confidential. U.S. Cellular responded on September 6, and AT&T on September 8.

2. On September 20, the Commission issued an Order stating that it would like to have the advice of its Staff before ruling on AT&T Missouri's motion.

3. Neither AT&T Missouri nor U.S. Cellular discusses the Protective Order issued by the Commission in this case on August 12, 2005.

4. The Protective Order defines two types of information which a party claims should not be made public.

**HIGHLY CONFIDENTIAL**: Information concerning (1) material or documents that contain information relating directly to specific customers; (2) employee-sensitive information; (3) marketing analyses or other market-specific information relating to services offered in competition with others; (4) reports, work papers 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.

**PROPRIETARY**: Information concerning trade secrets, as well as confidential or private technical, financial and business information.

Highly Confidential information may be reviewed only by attorneys or outside experts who have been retained for the purpose of this case. Proprietary information may be disclosed only to attorneys, and to such employees who are working as consultants to such attorneys or intend to file testimony in these proceedings, or to persons designated by a party as outside experts.<sup>1</sup>

5. AT&T's motion asks the Commission to reclassify the four appendices as proprietary because materials presenting the same type of information were either filed publicly by U.S. Cellular with its April, 2005, application or were voluntarily declassified by U.S. Cellular at the October, 2005, hearing on the merits.

6. U.S. Cellular's response states that Cingular Wireless, of which AT&T owns a sixty percent (60%) share, has sought confidential treatment of similar materials submitted in connection with a petition to the Federal Communications Commission; that disclosure of these materials would reveal confidential details pertaining to U.S. Cellular's network infrastructure,

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<sup>1</sup> These restrictions do not apply to Staff and Public Counsel, who are subject to the nondisclosure provisions of Section 386.480 RSMo.

customer base, marketing strategies and the company's competitive position in the Missouri telecommunications marketplace; that the four appendices contain more information than the previous materials; and that U.S. Cellular's accommodation to AT&T at the hearing did not waive its right to protect competitive sensitive information developed after the hearing.

7. AT&T Missouri's reply states that U.S. Cellular does not deny that materials presenting the same type of information were either filed publicly or voluntarily declassified and that U.S. Cellular has not explained why similar treatment – including a “Proprietary” designation – should not be afforded these four appendices.

8. U.S. Cellular's description of the material in the four appendices meets the third definition of Highly Confidential: “(3) marketing analyses or other market-specific information relating to services offered in competition with others.” The Staff does not challenge U.S. Cellular's description. And, AT&T Missouri did not challenge U.S. Cellular's description.

9. AT&T Missouri instead argues that because U.S. Cellular previously classified similar information as public or proprietary, that the Commission should classify these four appendices as proprietary. AT&T Missouri's reply notes that a consequence of classifying the appendices as proprietary is that the information could be disclosed not only to the attorneys, but also to employees who are working as consultants to such attorney or intend to file testimony in these proceedings. If AT&T Missouri has relied on the assumption that its employees would again be allowed to see U.S. Cellular's building plans, the Staff will not oppose the inclusion in a procedural schedule of a reasonable time for AT&T Missouri to obtain an outside expert.

WHEREFORE, the Staff suggests that AT&T Missouri's motion to reclassify should be denied.

Respectfully submitted,

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 26<sup>th</sup> day of September 2006.

/s/ William K. Haas