

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of an Investigation into the  
Quality of Wireline Telecommunications  
Services in the State of Missouri

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**File No. TO-2011-0047**

## ORDER ESTABLISHING PROTECTIVE ORDER

Issue Date: November 9, 2010

Effective Date: November 9, 2010

On October 29, 2010, Level 3 Communications, LLC, and Charter Fiberlink – Missouri, LLC, filed separate motions for protective order seeking extra protection for documents they intend to file in response to the Commission’s order of September 1, 2010. Specifically, Level 3 and Charter Fiberlink - Missouri desire to provide the documents in question directly to the Commission’s Staff and the Office of the Public Counsel without filing those documents in the EFIS case file.

Before acting on the motions, the Commission allowed Staff, Public Counsel, and any other interested parties until November 5 to respond. No party has filed a response to the motions for protective order.

Level 3 Communications and Charter Fiberlink Missouri seek extra protection because they are concerned that counsel for their competitors could potentially view competitively sensitive information they would file in EFIS in response to the Commission’s order. The purpose of the Commission’s September 1 order was to get information into the hands of Staff and Public Counsel. Issuing the requested protective order will allow that information to be given to Staff and Public Counsel, while assuring the companies that the information they provide will be protected from unnecessary disclosure. The Commission will grant both motions.

**THE COMMISSION ORDERS THAT:**

1. The Motion for Protective Order filed by Charter Fiberlink – Missouri, LLC, is granted. Charter Fiberlink - Missouri may submit its confidential responses to the Commission's September 1, 2010 order directly to the Staff of the Commission and to the Office of the Public Counsel. Staff and Public Counsel shall treat that information as highly confidential, but may use that information in the aggregate when preparing any report.

2. The Motion for Protective Order filed by Level 3 Communications, LLC, is granted. Level 3 Communications may submit its confidential responses to the Commission's September 1, 2010 order directly to the Staff of the Commission and to the Office of the Public Counsel. Staff and Public Counsel shall treat that information as highly confidential, but may use that information in the aggregate when preparing any report.

3. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

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 9<sup>th</sup> day of November, 2010.