

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

Socket Telecom, LLC,)	
)	
Complainant,)	
)	
v.)	Case No. TC-2020-0409
)	
Embarq Missouri, Inc.,)	
d/b/a CenturyLink,)	
)	
Respondent.)	

MOTION FOR PROTECTIVE ORDER

COMES NOW Embarq Missouri, Inc., d/b/a CenturyLink (“CenturyLink/EQ”) and, pursuant to Missouri Public Service Commission (“Commission”) Rule 20 CSR 4240-2.135(3) and (4), requests the issuance of a protective order, and in support thereof, respectfully states as follows to the Commission:

1. Commission Rule 2.135(6) provides that “Confidential” information shall be disclosed to attorneys of record for a party, to employees of a party who are working as subject-matter experts for the party’s counsel, to employees of a party who intend to file testimony in the case, and to designated outside experts of a party.

2. Socket Telecom, LLC (“Socket”) has submitted Data Requests to CenturyLink/EQ and several of those Data Requests seek information about CenturyLink/EQ’s interconnection arrangements (to include time periods for payments of certain charges, status of payments and related disputes) with other telecommunications companies with whom Socket likely competes. This customer-specific information and market-specific information relating to services offered in competition with others is competitively sensitive and, therefore, highly

confidential. Due to the nature of this information, the “Confidential” designation under Rule 2.135 will not provide adequate protection, as the “Confidential” designation would require CenturyLink/EQ to produce this competitively-sensitive and confidential information to employees of Socket who are working as subject-matter experts and who may file testimony in the case. CenturyLink/EQ is amenable to producing this information to Socket’s counsel and outside experts who execute a Commission nondisclosure agreement on a “Highly Confidential” basis, but not to employees of Socket.

3. Missouri Supreme Court Rule 56.01(c) provides that protective orders may be issued “to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense including . . . that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way.” *See also In the Matter of the Application of Grain Belt Express Clean Line LLC*, Commission File No. EA-2014-0207, 2014 Mo.PSC Lexis 858, Opinion issued September 24, 2014. CenturyLink/EQ takes its obligations seriously to protect against the improper disclosure of customer-specific and competitively sensitive market information.

4. To prevent harm to CenturyLink/EQ and its other telecommunications company customers and prevent the creation of a competitive advantage for Socket, CenturyLink/EQ requests a protective order as follows:

a. Non-public information about customer-specific interconnection arrangements, to include payments, and market-specific information relating to services

offered in competition with others shall be designated “Highly Confidential” at the time of its disclosure.

b. Disclosure of materials or information designated “Highly Confidential” shall be made only to counsel for Socket and to outside experts of Socket who have executed a Commission nondisclosure agreement. No “Highly Confidential” information shall be provided directly or indirectly to any employee of Socket.

c. Persons afforded access to materials or information designated “Highly Confidential” shall neither use nor disclose such materials or information for purposes of business or competition or any other purpose other than in regard to the case referenced above, and shall keep the materials and information secure and confidential and in accordance with the purposes and intent of the protective order.

d. All material and information designated as “Highly Confidential,” as well as any notes pertaining to such information, shall be returned to CenturyLink/EQ or destroyed upon the conclusion of the referenced case, with certification of same to CenturyLink/EQ.

e. If any party disagrees with the “Highly Confidential” designation of any information, that party shall follow the informal discovery dispute resolution procedures set forth in Commission Rule 20 CSR 4240-2.090(8). If these dispute resolution procedures are exhausted without resolution, the party may file a motion challenging the designation.

5. Counsel for Socket and Staff have indicated that they have no opposition to the issuance of a Protective Order as requested herein.

WHEREFORE, CenturyLink, pursuant to Commission Rule 20 CSR 4240-2.135(4), respectfully requests the issuance of a protective order herein, and such other and further relief as is just and proper under the circumstances.

Respectfully submitted,

Brydon, Swearingen & England, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was delivered by first class mail, electronic mail or hand delivery, on this 16th day of July, 2020, to the following parties:

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