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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of	Docket No. 10-049-22
QWEST CORPORATION	QWEST CORPORATION'S MOTION FOR ENTRY OF A MODIFIED PROTECTIVE ORDER
Petition for Commission Approval of 2010 Additions to Non-Impaired Wire Center List	

On June 14, 2010, Qwest Corporation (“Qwest”) filed a petition to open a docket for approval of Qwest’s 2010 *additions* to its non-impaired wire center list in accordance with the FCC’s *Triennial Review Remand Order* (“*TRRO*”).¹ The petition is made in conformity with and pursuant to the Commission’s September 11, 2006 Report and Order (“Initial *TRRO* Order”) in the Commission’s initial *TRRO* non-impaired wire center proceeding (Docket No. 06-049-40), as well as consistent with the joint settlement agreement between Qwest and a coalition of Competitive Local Exchange Carriers (“CLECs”), collectively “the Joint CLECs,” that the Commission approved in Docket No. 06-049-40 on July 31, 2007 (“*TRRO* Settlement Order”).

In addition, pursuant to the Initial *TRRO* Order and the *TRRO* Settlement Order, Qwest requested that the Commission issue on an *expedited basis* a protective order based on the model protective order attached as Attachment A to the petition. As Qwest noted in the petition, Qwest and the Joint CLECs in the initial *TRRO* non-impaired wire center proceeding (Docket No. 06-049-40) negotiated and agreed to use this protective order as a basis for any protective order

¹ Order on Remand, *In the Matter of Review of Unbundled Access to Network Elements, Review of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338, WC Docket No. 04-313 (FCC rel. February 4, 2005) (hereafter “*Triennial Review Remand Order*” or “*TRRO*”).

entered in future proceedings in order to allow Qwest to file confidential wire center information regarding “business line” counts and the number of “fiber-based collocators” as defined in the FCC’s *TRRO*. This was also the process that the Commission used in Docket 07-049-30, which pertained to the 2007 additions to Qwest’s non-impaired wire center list (“the 2007 Wire Center Update Docket”), and which the Commission approved on October 1, 2007 (Midvale wire center) and on November 20, 2007 (Orem wire center) (“2007 Wire Center Update Orders”), as well as in Docket 08-049-29, which pertained to the 2008 addition of the Draper wire center to Qwest’s non-impaired wire center list (“the 2008 Wire Center Update Docket”), and which the Commission approved on August 11, 2008 (“2008 Wire Center Update Order”).²

On June 15, 2010, the Commission issued its standard protective order. However, because this proceeding will involve the disclosure of *highly-confidential* information, such as *CLEC-specific data* that will be produced by Qwest to *other CLECs* (i.e., such CLECs’ competitors), and such data may even include non-party CLEC data (i.e., CLEC-specific data of a CLEC that has not intervened in this proceeding), Qwest believes that the Commission’s standard protective order may not be sufficiently protective of the highly-confidential CLEC-specific information. That is one reason that the parties in the original *TRRO* proceeding agreed to a modified protective order that covers both confidential and highly-confidential information. And as Qwest noted, this is the process the Commission has used in subsequent non-impaired wire center update dockets.³

² A protective order is needed in this new proceeding because the information that Qwest will file on June 21, 2010 will include certain highly-confidential wire center data, including highly-confidential CLEC-specific data. Qwest and the Joint CLECs in Docket No. 06-049-40 agreed these data should be protected by a protective order that contains protections and limited disclosures of highly-confidential information. Specifically, Qwest seeks this protective order because Qwest will be filing CLEC-specific wire center data in this proceeding for the purposes of counting business line counts and/or fiber-based collocators in the wire center at issue, and because the parties in Docket No. 06-049-40 agreed that a protective order would be needed for these future dockets.

³ The settlement agreement requires that Qwest will request a protective order from the Commission at least five (5) business days prior to filing new non-impairment or tier designations for Commission review in order to govern the handling of confidential information during this new non-impairment proceeding. This is consistent with the Commission’s Order. See e.g., Initial *TRRO* Order, pp. 12-13. This is also what Qwest did in its June 14,

Thus, Qwest is again attaching the model protective order as Attachment A to this motion. Expedited issuance of the protective order will permit CLECs who sign the order to begin reviewing confidential wire center data promptly after Qwest files the data on June 21st (five (5) business days after Qwest filed its petition and requested the protective order). Qwest does not believe that any CLEC intervenor will object to this request.

CONCLUSION

Accordingly, Qwest respectfully moves for the entry of a model protective order that the parties in Docket No. 06-049-40 agreed to in their settlement agreement. Qwest requests that the Commission issue either a standing protective order, or a new protective order, based on the model protective order in Attachment A as soon as possible. Qwest notes that the Commission previously issued a modified protective order in Docket No. 06-049-40 and in Docket Nos. 07-049-30 and 08-049-29 that it may wish to consider in this new proceeding.

Dated: June 17, 2010

Respectfully submitted,

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2010 petition. The Commission, however, issued its standard protective order, and not the model protective order attached to the petition, as it had done in previous *TRRO* non-impaired wire center update proceedings.