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BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM 1100

In The Matter Of The Investigation To)	
Determine, Pursuant To Order Of The)	
Federal Communications Commission,)	
Whether Impairment Exists In Particular)	ORDER
Markets If Local Circuit Switching For)	
Mass Market Customers Is No Longer)	
Available As An Unbundled Network)	
Element.)	

DISPOSITION: MOTION GRANTED

On January 8, 2004, the Commission issued a Ruling requesting production of information in this docket. The information requests were sent to a list of telecommunications carriers providing service in Oregon, including Qwest Corporation (Qwest). Among other things, the information requests require Qwest to produce information regarding its provisioning and billing activities. In many instances, producing such information will reveal the identity of particular telecommunications carriers and their purchases and/or services, such as a carrier's number of access lines served through UNE-P and UNE-L, and switch and collocation information. Qwest notes that this information may be protected under Section 222 of the Telecommunications Act and other state and federal privacy laws.

On January 15, 2004, Qwest filed a Motion requesting the Commission enter an order "requiring Qwest to identify and distribute information that may reveal a CLEC's or carrier's identity and other confidential CLEC/carrier data under the "Highly Confidential" designation of the Modified Protective Order during the course of this proceeding." According to Qwest:

The requested order is for the purpose of providing all necessary protection to Qwest when it discloses its provisioning and billing information and there is a concomitant disclosure of CLEC/carrier information. This information may include, for example, identification of the CLEC or carrier and purchases and receipt of services from Qwest. The protection Qwest seeks must also apply where no particular carrier is identified in a response to discovery, but the information reflects such small volumes that carrier associations can be made. The order that Qwest seeks in this motion will not adversely affect the right of any party, including Qwest, to raise appropriate objections to discovery requests.

Qwest represents that similar motions have been granted in other states where Qwest provides service. On January 22, 2004, Qwest notified the Commission that there are no objections to its motion.

The Commission finds that Qwest's motion is reasonable and should be granted.

ORDER

IT IS ORDERED that any information provided by Qwest in response to Commission information requests that may reveal the identity or other confidential information of another telecommunications carrier shall be disclosed pursuant to the "Highly Confidential" provisions of Modified Protective Order No. 03-744.

Made, entered, and effective _____.

Lee Beyer
Chairman

John Savage
Commissioner

Ray Baum
Commissioner

A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order to a court pursuant to applicable law.