

Decision No. C04-1445

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04M-435T

IN THE MATTER OF THE INVESTIGATION OF COMPETITION IN COLORADO'S
TELECOMMUNICATIONS MARKET.

ORDER ON STAFF REPORT AND CONFIDENTIALITY

Mailed Date: December 9, 2004
Adopted Date: November 23, 2004

I. BY THE COMMISSION

A. Statement of Findings

1. On September 1, 2004, the Commission in Decision No. C04-0984 ordered all providers of telecommunications services in Colorado to respond to a survey of competition in the state. The survey was intended to gather information related to various aspects of the telecommunications markets that are relevant to the question of effective competition for those products and services regulated by the Commission. Parties were required to submit their responses to the Commission by October 1, 2004. The Commission subsequently extended the deadline for response to October 15, 2004 through Decision No. C04-1115, mailed on September 27, 2004.

2. Responses to the survey are currently being tabulated. When this work is completed, Staff of the Commission (Staff) will file a summary report in this docket. Staff also will file the individual provider survey responses that are subject to the Highly Confidential Information provisions of Decision No. C04-0984, Attachment C ("Supplemental Protective Order"). Consistent with the questions asked in the survey, the summary report shall contain wire

center specific detail of counts of customers subscribing to telecommunications services provided by competitive local exchange carriers (CLECs), in aggregate, and similar information for telecommunications services provided by the incumbent local exchange carrier (ILEC). This wire center specific information will be detailed according to provisioning methods (*e.g.*, facilities-based, UNE-L).

3. In Decision No. C04-1330, we asked for party input with respect to the confidentiality of information presented in the report. We received replies from various parties. Generally, parties had no objection to the proposed format of the report, as long as information submitted on a confidential basis remains confidential pursuant to Commission orders in this docket and the Commission's rules on the submission of information under seal. One concern that was raised by certain CLECs is that, for wire centers containing only an incumbent and one competitor, it will be easy to identify the competitor and attach wire center specific data to that competitor.

4. Staff will format and style two reports. Its public report shall be formatted in a manner similar to the "Survey of Local Telecommunications Competition in North Carolina," prepared for the North Carolina Utilities Commission by RTI International which was published in October 2004. (RTI Project No. 09148.000) This North Carolina report reflects information that is similar to that gathered by the Commission through the Commission's survey for Colorado. The public report will contain no revenue or line count information by provider for each wire center. The confidential report also shall be formatted in a manner similar to the North Carolina report, but will contain confidential and highly confidential wire center revenue and line count information as Staff believes is pertinent.

5. In the public report, Staff shall aggregate wire center data such that individual competitors, save the incumbent, cannot be identified. Revenue information shall also be presented in aggregate. Data for all wire centers where the incumbent and one other competitor are the only providers shall be aggregated and presented together such that no individual competitor will be identified. Samples of the data tables are attached to this order as Appendix A.

6. No information submitted either as “highly confidential” pursuant to Attachment C of Decision No. C04-0984, or pursuant to Commission’s rules on confidentiality, 4 *Code of Colorado Regulations* 723-16 *et seq.*, shall be released in the public report. Access to information held by the Commission shall be pursuant to Commission rules.

II. ORDER

A. The Commission Orders That:

1. Staff of the Commission shall file the summary report of the survey of competition in Colorado’s telecommunications market consistent with the discussion above.

2. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails or serves this Order.

3. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 23, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners