

Decision No. R25-0161-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25M-0007T

IN THE MATTER OF THE FILING OF 2024 ANNUAL REPORTS IN ACCORDANCE WITH RULE 4 CCR 723-2-2006 BY CARRIERS HOLDING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OR A LETTER OF REGISTRATION TO PROVIDE TELECOMMUNICATIONS SERVICES IN THE STATE OF COLORADO, OR REGISTERED TO RESELL INTRASTATE TOLL SERVICE.

**INTERIM DECISION
DENYING WITHOUT PREJUDICE TELEPORT'S
MOTION SEEKING HIGHLY CONFIDENTIAL
PROTECTION FOR CERTAIN INFORMATION**

Issued Date: March 6, 2025

I. STATEMENT

1. On January 2, 2025, the Colorado Public Utilities Commission (“Commission”) opened the above-captioned proceeding as a repository proceeding for the filing of the 2024 annual reports required to be filed by the affected telecom carriers pursuant to Rule 2006 of the Rules Regulating Telecommunications Services and Providers of Telecommunications Services, 4 *Code of Colorado Regulations* (“CCR”) 723-2.

2. On January 22, 2025, the Commission referred this proceeding to an Administrative Law Judge (“ALJ”) by minute entry, for the disposition of all pleadings and motions filed.

3. On February 25, 2025, Teleport Communications America, LLC (“Teleport”) filed its Motion Seeking Highly Confidential Protection for Certain Information.

II. RELEVANT LAW, FINDINGS, ANALYSIS, AND CONCLUSIONS

A. Relevant Law

4. Rule 2006(a) provides that carriers required by the Department of Revenue to file an annual DR525 form (Report) must file the same with the Commission on or before May 15 each year.¹

5. Annual reports filed per a Commission Rule are considered public records.² However, a party may seek highly confidential designation of a filing that is presumed public by following the procedures in Rule 1101, 4 CCR 723-1.³ The moving party has the burden of proof to establish that a document should receive highly confidential protection.⁴ A motion seeking highly confidential protection must:

- include a detailed description or representative sample of the information for which highly confidential protection is sought;
- state the specific relief requested and the grounds for relief;
- advise all other parties of the request and the subject matter of the information at issue;
- establish that the information for which highly confidential protection is sought is highly confidential, that the protection afforded by the Commission's rules for confidential information is insufficient to protect the highly confidential information, and that highly confidential protection will afford sufficient protection;
- include a specific form of nondisclosure agreement;
- include an affidavit containing the names of all persons with access to the information and the period of time for which the information should remain subject to highly confidential protection; and
- include an exhibit, filed in accordance with the procedures established in Rule 1101(a), containing the information for which highly confidential protection is

¹ Rule 2006(a), 4 CCR 723-2.

² Rule 1100(b)(I), of the Commission's Rules of Practice and Procedure, 4 CCR 723-1.

³ See Rules 1101(b) and (c), 4 CCR 723-1.

⁴ Rule 1101(d), 4 CCR 723-1.

requested, or alternatively, show why providing the subject information would be overly burdensome, impractical, or too sensitive for disclosure.⁵

6. Rule 1101(a) requires a party submitting information claimed to be highly confidential to include a statement on the first page of the document containing information claimed to be highly confidential that says, “NOTICE OF CONFIDENTIALITY: A PORTION OF THIS DOCUMENT HAS BEEN FILED UNDER SEAL.”⁶ The first page must also list each document filed under seal, each page number of each document on which highly confidential information is contained, and must include a description of the nature of the information claimed to be highly confidential.⁷ Essentially, this is the required publicly available filing for a document which a party or participant believes confidential or highly confidential protection should be granted.⁸

B. Findings, Analysis, and Conclusions

7. The Motion seeks highly confidential protection for Teleport’s gross revenues in Colorado as reported in its Reports (its DR525 Form).

8. In its Motion, Teleport purports to have submitted a proposed form of nondisclosure agreement (Exhibit A), an affidavit identifying those who have access to the highly confidential information and asks that highly confidential protection be afforded as long as the Commission maintains the Reports (Exhibit B), and the information Teleport requests to be protected (Exhibit C) in accordance with Rule 1101(b).⁹ However, a review of the Commission’s file indicates that no exhibits were filed or attached to the Motion.

⁵ Rule 1101(b)(I) to (VII), 4 CCR 723-1.

⁶ Rule 1101(a)(I), 4 CCR 723-1.

⁷ *Id.*

⁸ *Id.*

⁹ Motion at p. 4.

III. ORDER

A. It is Ordered That:

1. The Motion Seeking Highly Confidential Protection for Certain Information (“Motion”) filed on February 22, 2025, by Teleport Communications America, LLC (“Teleport”) is denied without prejudice.

2. Teleport may refile its Motion with the necessary exhibits attached.

3. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director