

Decision No. R25-0275-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 MOTIONS
REQUESTING CONFIDENTIAL PROTECTION FOR
CERTAIN INFORMATION**

Issued Date: April 10, 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 April 8, 2025, MCI metro Access Transmission Services LLC doing business as Verizon Access Transmission Services (“Verizon Access”), XO Communications Services LLC (“XO Communications”), and MCI Communications Services LLC, doing business as Verizon

Business Services (“Verizon Business”) each filed a Motion Requesting Confidential Protection of Information pursuant to Rule 1101(b) of the Rules of Practice and Procedure, 4 CCR 723-1.

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 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

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.

- include an exhibit, filed in accordance with the procedures established in Rule 1101(a), containing the information for which highly confidential protection is 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 Even though not administratively stricken to date, the rule also requires a publicly-available filing that excludes information claimed to be confidential or highly confidential. Essentially, the rule limits the scope of information not available for public inspection to that claimed to require protection as confidential or highly confidential information.⁸

B. Findings, Analysis, and Conclusions

1. Verizon Access’ Motion

7. The Motion seeks highly confidential protection for Verizon Access’ gross revenues in Colorado as reported in its 2024 Reports (its DR525 Forms). As grounds, Verizon Access states that this information is competitively sensitive and proprietary in nature.⁹

8. However, Verizon Access has failed to meet all requirements for seeking highly confidential protection listed above and enumerated in Rule 1101(a) and (b)(I) through (VII).

9. Accordingly, Verizon Access’ Motion will be denied without prejudice.

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 Verizon Access’ Motion Requesting Confidential Protection of Information at p. 1.

2. XO Communications' Motion

10. The Motion seeks highly confidential protection for XO Communications' gross revenues in Colorado as reported in its 2024 Reports (its DR525 Forms). As grounds, XO Communications states that this information is competitively sensitive and proprietary in nature.¹⁰

11. However, XO Communications has failed to meet all requirements for seeking highly confidential protection listed above and enumerated in Rule 1101(a) and (b)(I) through (VII).

12. Accordingly, XO Communications' Motion will be denied without prejudice.

3. Verizon Business' Motion

13. The Motion seeks highly confidential protection for Verizon Business' gross revenues in Colorado as reported in its 2024 Reports (its DR525 Forms). As grounds, Verizon Business states that this information is competitively sensitive and proprietary in nature.¹¹

14. However, Verizon Business has failed to meet all requirements for seeking highly confidential protection listed above and enumerated in Rule 1101(a) and (b)(I) through (VII).

15. Accordingly, Verizon Business' Motion will be denied without prejudice.

III. ORDER

A. It is Ordered That:

1. The Motions Requesting Confidential Protection of Information ("Motion") filed on April 8, 2025, by MCImetro Access Transmission Services LLC doing business as Verizon Access Transmission Services ("Verizon Access"), XO Communications Services LLC

¹⁰ XO Communications' Motion Requesting Confidential Protection of Information at p. 1.

¹¹ Verizon Business' Motion Requesting Confidential Protection of Information at p. 1.

("XO Communications"), and MCI Communications Services LLC, doing business as Verizon Business Services ("Verizon Business") are denied without prejudice.

2. Verizon Access, XO Communications, and Verizon Business may refile their Motions addressing all the applicable requirements listed in Rule 1101.¹²

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

¹² Rule 1101, 4 CCR 723-1.