

Decision No. C04-1330

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 SEEKING COMMENT
ON CONFIDENTIALITY OF DATA**

Mailed Date: November 10, 2004
Adopted Date: November 10, 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 deadline for responses was subsequently extended 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 will also 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 will contain wirecenter- 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 wirecenter-specific data will be detailed according to provisioning methods (*e.g.*, facilities-based, UNE-L).

3. Staff will format and style its report 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. 01948.000) This North Carolina report reflects information that is similar to that gathered by the Commission through the Commission’s survey for Colorado. We note that the North Carolina report contains the names of all providers as well as the data they submitted for each wirecenter. We also note that the North Carolina report is fully non-confidential.

4. By this order, the Commission seeks input from parties as to the degree of confidentiality that should be afforded the information presented in the summary report beyond the terms of Decision No. C04-0984, Attachment C. We emphasize that the report will include the same CLEC information by wirecenter as provided in the responses, albeit in an aggregate form. Additionally, the report will include the same ILEC information as provided in the responses.

5. Interested parties may file comments with respect to confidentiality of the information in this docket. Parties wishing to comment on confidentiality should note that comments may not be conclusory in nature and must be specific in terms of potential harm should certain information be disclosed. If a party claims confidentiality for any portion of the report, the party that claims confidentiality has the burden to justify why the specific information should be treated as confidential. Further, if a party claims confidentiality, the comments should

address who should be allowed access to the information and under what conditions. Comments on the degree of confidentiality that should be afforded to the report and the supporting data must be filed by 5:00 p.m., Friday, November 19, 2004. We encourage the parties to address the approach taken in the North Carolina report.

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 when sufficient responses have been received from all respondents.
2. Comments on the report shall comply with the statements above regarding such filings and shall be filed by 5:00 p.m. on November 19, 2004.
3. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 10, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners