

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

Investigation by the Department on its Own Motion to Determine whether an Agreement entered into by Verizon New England Inc., d/b/a Verizon Massachusetts is an Interconnection Agreement under 47 U.S.C. § 251 Requiring the Agreement to be filed with the Department for Approval in Accordance with 47 U.S.C. § 252

DTC 13-6

**MOTION OF COMPETITIVE CARRIERS PAETEC AND LEVEL 3
FOR CONFIDENTIAL TREATMENT**

1. PAETEC Communications, Inc. (“PAETEC”) and Level 3 Communications, LLC (“Level 3”), two of the “Competitive Carriers” in this case, respectfully request that the Department grant confidential treatment to and exempt from public disclosure the following information and/or documents that this motion accompanies:

The *amended* separate supplemental responses of PAETEC and Level 3 to information request VZ-I 1-1, constituting or containing “the number of agreements per type of provider . . . that each Intervenor has entered into concerning, providing for, or governing the exchange in IP format of voice traffic.”

A copy of an additional agreement being produced by PAETEC as part of its supplemental response to VZ-I 1-2.

This information and/or these documents constitute or contain proprietary, confidential, and/or competitively sensitive information that is entitled to confidential treatment and protection from public disclosure. All are designated as “Highly Sensitive Confidential Information” under the protective agreement in this case.

2. In support of this motion, PAETEC and Level 3 incorporate by reference the Competitive Carriers’ Motion for Confidential Treatment dated April 28, 2014. The information

and the document accompanying this Motion are similar to and subject to exactly the same considerations as the materials accompanying the April 28th motion.

3. Identically to the information provided in their April 28th supplemental responses, the information provided by PAETEC and Level 3 in their amended separate supplemental responses to VZ-I 1-1 concerns “the number of agreements per type of provider . . . that each Intervenor has entered into concerning, providing for, or governing the exchange in IP format of voice traffic.” In each case, the information has been compiled from internal sources in order to respond to this request. It is not publicly available. In fact, agreements of this type typically contain confidentiality provisions prohibiting disclosure of the existence and provisions of the agreement. Only a limited number of the respective company personnel have this information. Disclosure of this information could violate the confidentiality provisions of the agreements and work competitive harm to the disclosing Competitive Carrier by revealing product, marketing, and strategic information to its competitors.

4. The agreement being produced by PAETEC in connection with its supplemental response to VZ-I 1-2 and its contents are not publicly available. The agreement contains competitively sensitive information, disclosure of which could work competitive harm to the parties to that agreement — both PAETEC and the other party(ies) to the agreement — by revealing to other competitors the existence of the agreement and terms and conditions related thereto. In contrast to incumbent local exchange carriers like Verizon, which are required by 47 U.S.C. § 252 to publicly file their interconnection agreements, the parties to the agreement being produced are under no legal obligation to disclose the agreement or its contents. For these reasons, agreements like the one being produced typically contain nondisclosure provisions prohibiting the parties to the agreements from publicly disclosing the agreements' existence

and/or contents. Disclosure of this agreement could affect the interests of persons or entities that are not parties to this action.

5. In sum, the information and/or documents described above are confidential, competitively sensitive, and proprietary; are not readily available to competitors; and would be of value to such competitors. There is no compelling need for public disclosure of any of this information.

WHEREFORE, PAETEC and Level 3 respectfully request that the Department afford confidential treatment (as Highly Sensitive Confidential Information) to the information and documents described above and exclude them from the public record in this case.

May 6, 2014

Respectfully submitted,



Gregory M. Kennan, *Of Counsel*
Fagelbaum & Heller LLP
20 North Main St., Suite 125
P.O. Box 230
Sherborn, MA 01770
508-318-5611 Tel.
gmk@fhllplaw.com