

Alexander W. Moore
Deputy General Counsel



125 High Street
Oliver Tower – 7th Floor
Boston, MA 02110

Phone 617-743-2265
Fax 617-342-8869
alexander.w.moore@verizon.com

April 3, 2014

Catrice Williams, Secretary
Department of Telecommunications & Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118-6500

Re: D.T.C. 13-6 – Agreement of Verizon New England Inc.

Dear Secretary Williams:

Enclosed for filing in the above-referenced proceeding is the public version of Verizon MA's Supplemental Response to the Department's Information Request DTC-VZ 1-1. The information contained in this Supplemental Response is Confidential and therefore the Confidential version of the response is being submitted directly to the Hearing Officer. A Motion for Confidential Treatment is also enclosed herewith for filing.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alex Moore", written over a horizontal line.

Alexander W. Moore

Enclosures

cc: Michael Scott, Hearing Officer (2)
Service List (electronic mail)

**Verizon New England Inc.
d/b/a Verizon MA**

Commonwealth of Massachusetts

D.T.C. Docket No. 13-6

Respondent: Peter D'Amico
Title: Product Manager – Global
Wholesale Services

REQUEST: D.T.C. to Verizon, Set #1

DATED: February 4, 2014

ITEM: DTC-VZ 1-1

For the period between January 2013 and December 2013, provide a monthly analysis on a percentage basis the volume of Verizon MA's FiOS Digital Voice voice traffic exchanged in: (1) IP-to-IP format; (2) IP-to-TDM format; (3) TDM-to-TDM format; (4) TDM-to-IP format.

Reply: The request is confusing. Verizon MA interprets it as seeking, for each month of 2013, the percentages of all traffic to and from FiOS Digital Voice customers that is exchanged with all non-Verizon carriers that fall into each of the four categories specified. Verizon MA is able to provide only the information requested in category (3). The Department's First Set of Information Requests to Verizon MA differentiates among categories (1) through (4) based on the format in which the traffic originates and terminates. All FDV voice traffic is in IP format when it originates from or is terminated to the FDV customer, so that no FDV voice traffic falls within category (3) above. With respect to categories (2) and (4), however, Verizon MA generally does not know the format in which a call it receives from another carrier originated or the format in which a call it sends to another carrier is terminated. As a result, Verizon MA does not know the volume of calls in these categories. Finally, Verizon MA does not track the data necessary to respond to part (1) of the request, such as the total volume of traffic to and from FDV customers. While Verizon MA does track usage data required for billing, that data does not distinguish between FDV traffic and PSTN traffic because that is not necessary to render bills.

Verizon MA is investigating whether it would be possible to retrieve and process usage data that would allow it to respond to part (1) of the request. Assuming that the necessary data is available, such a project would be both time- and resource-intensive, and Verizon MA estimates that it would take a few months to complete the work required to answer this question for several sample weeks in 2013.

Supplemental Reply: In response to part (1) of the Department's request, Verizon MA performed a special study of sample weeks to estimate, on a percentage basis, the volume of Verizon MA's voice traffic originated by or terminated to FiOS Digital Voice customers that was exchanged in IP format, rather than via the PSTN, for several sample months in 2013. The CONFIDENTIAL results are as follows:

*****Begin Confidential*****

February 2013	█	%
June 2013	█	%
September 2013	█	%
December 2013	█	%

*****End Confidential*****

**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) D.T.C. 13-6
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)

MOTION FOR CONFIDENTIAL TREATMENT

Verizon New England Inc., d/b/a Verizon Massachusetts (“Verizon MA”) hereby requests that the Department of Telecommunications and Cable (“Department”) protect from public disclosure and provide confidential treatment for the chart included in Verizon MA’s Supplemental Response to Information Request DTC-VZ 1-1. In support of this Motion, Verizon MA states that this Response contains confidential, proprietary, competitively sensitive information under Massachusetts law and is therefore entitled to protection from public disclosure. As further grounds for this motion, Verizon MA states the following.

1. M. G. L. c. 25C, § 5, provides in part that:

Notwithstanding clause Twenty sixth of section 7 of chapter 4 and section 10 of chapter 66, the [D]epartment may protect from public disclosure trade secrets, confidential, competitively sensitive or other proprietary information provided in the course of proceedings conducted pursuant to this chapter.

In determining whether certain information qualifies as a “trade secret,”¹ Massachusetts courts have considered the following:

¹ Under Massachusetts law, a trade secret is “anything tangible or electronically kept or stored which constitutes, represents, evidences or records a secret scientific, technical, merchandising, production or management information design, process, procedure, formula, invention or improvement.” Mass. General Laws c. 266, § 30; see also Mass. General Laws c. 4, § 7. The Massachusetts Supreme Judicial Court (“SJC”), quoting from the Restatement of Torts, § 757, has further stated that “[a] trade secret may consist of any formula, pattern, device

- (1) the extent to which the information is known outside of the business;
- (2) the extent to which it is known by employees and others involved in the business;
- (3) the extent of measures taken by the employer to guard the secrecy of the information;
- (4) the value of the information to the employer and its competitors;
- (5) the amount of effort or money expended by the employer in developing the information; and
- (6) the ease or difficulty with which the information could be properly acquired or duplicated by others.

Jet Spray Cooler, Inc. v. Crampton, 282 N.E.2d 921, 925 (1972). The protection afforded to trade secrets is widely recognized under both federal and state law. In Board of Trade of Chicago v. Christie Grain & Stock Co., 198 U.S. 236, 250 (1905), the U.S. Supreme Court stated that the board has “the right to keep the work which it had done, or paid for doing, to itself.” Similarly, courts in other jurisdictions have found that “[a] trade secret which is used in one’s business, and which gives one an opportunity to obtain an advantage over competitors who do not know or use it, is private property which could be rendered valueless ... to its owner if disclosure of the information to the public and to one’s competitors were compelled.” Mountain States Telephone and Telegraph Company v. Department of Public Service Regulation, 634 P.2d 181, 184 (1981).

2. The information addressed in this Motion constitutes confidential, competitively sensitive, proprietary information that is entitled to protection under Massachusetts law. The chart in the Response to DTC-VZ 1-1 estimates on a percentage basis the volume of Verizon

or compilation of information which is used in one’s business, and which gives him an opportunity to obtain an advantage over competitors ... It may be a formula treating or preserving material, a pattern for a machine or other device, or a list of customers.” J.T. Healy and Son, Inc. v. James Murphy and Son, Inc., 260 N.E.2d 723, 729 (1970).

MA's voice traffic originated by or terminated to FiOS Digital Voice customers that was exchanged in IP format, rather than via the PSTN, for several sample months in 2013. Disclosure of this information would confer a competitive advantage on Verizon MA's competitors, by helping them assess the breadth and efficiency of the particular means Verizon MA has developed to exchange traffic in IP format and the pace at which Verizon has been able to implement this new means of traffic exchange.

4. In sum, this information is confidential, competitively sensitive and proprietary information that is not readily available to competitors, and would be of value to them. Verizon MA compiled this information from its internal databases, has maintained it as confidential and has not disclosed it outside the company. There is no compelling need for public disclosure of any of this information. Verizon MA, however, is at risk of suffering competitive disadvantage if this information is made public.

5. Verizon MA is serving its un-redacted Supplemental Response to Information Request DTC-VZ 1-1 on the other parties to this proceeding pursuant to the Protective Agreement of the parties.

WHEREFORE, Verizon MA respectfully requests that the Department afford the chart included in Verizon MA's Supplemental Response to Information Request DTC-VZ 1-1 confidential treatment and exclude it from the public record in this case.

Respectfully submitted,

VERIZON NEW ENGLAND INC.

By its attorney,



Alexander W. Moore
125 High Street
Oliver Tower, 7th Floor
Boston, MA 02110
(617) 743-2265

Dated: April 3, 2014