

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATION AND ENERGY

Complaint of Covad Communications and)	
AT&T Communications of New England, Inc.)	
Regarding Collocations Power Charges Assessed)	
By Verizon New England, Inc.)	

Docket No. 01-39

MOTION FOR CONFIDENTIAL TREATMENT

Verizon New England Inc., d/b/a Verizon Massachusetts (“Verizon MA”), hereby requests that the Massachusetts Department of Telecommunications and Energy (“Department”) grant this Motion to provide confidential treatment for proprietary documents filed in response to AT&T/Covad 1-12, 1-17, proprietary attachments A, B, C, & D to Verizon MA’s Supplemental Response to ATT/Covad Request 1-19, and proprietary Attachment IV to Verizon MA’s Rebuttal Testimony filed in this proceeding on December 3, 2001. As grounds for this request, Verizon MA states that the referenced documents should be afforded confidential treatment because they consists of competitively sensitive and highly proprietary business information of Verizon, AT&T, and Covad that was has been maintained as such by Verizon Communications.

I. Legal Standard

Under Massachusetts General Laws c. 25, § 5D, the Department is empowered to protect from public disclosure trade secrets or other proprietary information that is produced in the course of Department proceedings.¹ The Department has recognized that

¹ Specifically, M.G.L. c. 25, § 5D states in part that:

competitively sensitive information is entitled to protective treatment. *See, e.g., Hearing Officer Ruling on Motion for Confidential Treatment by Bell Atlantic-Massachusetts*, D.T.E. 98-57, at 5 (November 5, 1999); *Hearing Officer's Ruling On the Motion of CMRS Providers for Protective Treatment and Requests for Non-Disclosure Agreement*, D.P.U. 95-59B, at 7-8 (1997) (The Department recognized that competitively sensitive and proprietary information should be protected and that such protection is desirable as a matter of public policy in a competitive market).

II. ARGUMENT

Verizon MA's response to ATT/Covad 1-12 includes proprietary documents that describe in detail Verizon MA's confidential internal engineering practices (Bell System Practices 790-100-656 and 790-600-500). Such confidential business information is competitively sensitive, typically maintained as confidential by corporations, and has been maintained as confidential by Verizon MA. The public disclosure of these documents in this proceeding would not serve any legitimate public interest.

Proprietary attachments A, B, C and D to Verizon MA's Supplemental Response to ATT/Covad Request 1-19 contain specific references to the locations of AT&T and Covad collocation sites within Verizon MA's central offices, including in most instances their applicable Access Customer Name Abbreviation ("ACNA") code. As noted in Covad's letter to the Hearing Officer dated December 6, 2001, the ACNA code is a

The [D]epartment may protect from public disclosure trade secrets, competitively sensitive or other proprietary information provided in the course of proceedings conducted pursuant to this chapter. There shall be a presumption that the information for which such protection is sought is public information and the burden shall be on the proponent of such protection to prove the need for such protection. Where the need has been found to exist, the [D]epartment shall protect only so much of the information as is necessary to meet such need.

customer specific identification code that is used by carriers when ordering network elements, is traditionally maintained as confidential within the telecommunications industry, and there is no legitimate interest in the disclosure to the public of this information, or more generally the location of carrier collocation arrangements. *See Letter from Antony Richard Petrilla to Jesse Reyes, Hearing Officer* dated December 6, 2001.

Attachment IV of the Direct Testimony of Bruce Lear and Lynelle Reney on behalf of Verizon Massachusetts includes several actual collocation applications and power matrices provided by AT&T to Verizon MA in connection with Verizon MA's provision of collocation facilities to AT&T. The information includes the specific locations of certain AT&T collocation arrangements as well as specific information regarding equipment and power arrangements at those locations.² Verizon MA received this information in the course of its business relationship with AT&T and believes that its use of this information was necessary to address certain issues raised by AT&T in the course of this proceeding. However since Verizon MA believes that this information was provided to Verizon MA as a proprietary document Verizon has sought protective treatment for that document in this proceeding. As noted above, the treatment of this information as proprietary is consistent with the Commission's prior decisions regarding the appropriateness of protective treatment.

Protective treatment of the above-referenced documents will not impact the ability of parties to use this information within this proceeding since the parties have entered into a mutually agreeable protective agreement outlining the manner in which

² This information is the type of information referenced by Verizon MA in its response to AT&T/Covad 1-17.

confidential documents should be handled in connection with this proceeding. Nor is there any compelling reason why the referenced proprietary documents should be subject to public disclosure in Massachusetts.

WHEREFORE, Verizon-MA respectfully requests that the Department grant this Motion and afford confidential treatment to proprietary documents filed in response to AT&T/Covad 1-12, 1-17, proprietary attachments A, B, C, & D to Verizon MA's response to ATT/Covad Request 1-19, and proprietary Attachment IV to Verizon MA's Rebuttal Testimony filed in this proceeding on December 3, 2001.

Respectfully submitted,

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Dated: December 11, 2001