

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

Complaint of Global NAPs, Inc. Against)	
Verizon for Denial of Issuance of)	Docket No. 03-29
Collocation Access Cards)	

Global NAPs, INC.'S MOTION FOR CONFIDENTIAL TREATMENT

Global NAPs, Inc. hereby requests that the Massachusetts Department of Telecommunications and Energy (“Department” or “DTE”) grant this Motion to provide confidential treatment of data provided by it in response to DTE Information Request No.’s DTE-GN-2-3. As shown below, that data qualifies as a “trade secret” or “confidential, competitively sensitive, proprietary information” under Massachusetts law and, therefore, is entitled to protection from public disclosure in this proceeding.

ARGUMENT

Standard of Review.

In *Jet Spray Cooler, Inc. v. Crampton*, 361 Mass. 835 (1972), the Supreme Judicial Court set forth the factors to consider in determining whether information qualifies as a “trade secret.” The factors are: “(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 to his 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. *Id.* at 840.

Pursuant to Massachusetts General Laws Chapter 25 §5D, the Department may protect trade secrets and other confidential, competitively sensitive or other proprietary information in proceedings before it. *Re Cambridge Electric Light Co. et al*, D.P.U./D.T.E. 97-111 (1998). The statute contains a presumption in favor of disclosure unless the movant can show the need for protection. *Id.*

Discussion

DTE-GN-2-3 seeks the production of documents relating to applications made by Global NAPs employees to Verizon for collocation identification badges and access cards. At least one document contains personal information about the applicant, including social security number. Photographs of the employees are attached to the applications. The gravamen of Global's complaint is that such information should not be provided to Verizon so the placement of such information in the public record would be an even greater intrusion into the privacy of these individuals. These individuals would suffer harm if their personal information, such as social security numbers, are placed in the public record.

Global has no objection to providing the documents to Verizon, since it already has these documents in its possession.

WHEREFORE, Global NAPs respectfully requests that the Department grant this Motion to afford confidential treatment to its response to DTE Information Request No. DTE-GN-2-3 because certain data contained in those responses constitutes competitively

sensitive business information that would be considered confidential under Massachusetts law and, therefore, entitled to protection from public disclosure in this proceeding.

Respectfully submitted,

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