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 Docket No. 13-6

SPRINT'S MOTION FOR CONFIDENTIAL TREATMENT

Sprint Communications Company L.P., Sprint Spectrum L.P., Nextel Communications of the Mid-Atlantic, Inc., and Virgin Mobile USA, L.P. (collectively "Sprint") hereby respectfully request that the Department of Telecommunications and Cable ("Department") grant confidential treatment and prevent the public disclosure of certain information submitted by Sprint in response to Record Requests granted during the hearing in the above captioned matter held at the Department's headquarters on April 30 – May 1, 2014. The information submitted by Sprint either contains or in its entirety constitutes competitively sensitive, proprietary and/or confidential information that is entitled to confidential treatment and protection from public disclosure. Sprint renews those objections reflected on the hearing transcript, but produces the requested information subject to those objections, if any. Sprint seeks confidentiality protection for the proprietary expense information contained in DTC-Sprint Record Request 1 ("DTC-SPT RR 1") and the contractual information sought in Verizon-Sprint Record Request 1 (VZ-SPT RR 1") (collectively the "Information").

Sprint requests the Department grant its Motion for those reasons provided below, and in accordance with G.L. ch. 25C, § 5.

1. Under Massachusetts law "the Department 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." G. L. c. 25C § 5. Information appropriately protected has been described as "... information which is used in one's business, and which gives him an opportunity to obtain an advantage over competitors who do not know or use it." *J.T. Healy and Son, Inc. v. James Murphy and Son, Inc.*, 357 Mass. 728, 736, 260 N.E.2d 723, 729 (1970). Factors to be considered in determining whether certain information qualifies for protection from disclosure include: (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). As stated herein, the Information qualifies for protection from public disclosure and protective treatment under G. L. c. 25C § 5.

2. The information in VZ-SPT RR1 is not known outside of Sprint and AT&T. In fact, other than the publicly known fact that AT&T and Sprint had a "contingent resolution," no other information about the "contingent resolution" is known outside of Sprint and AT&T. The information contained in DTC-SPT RR1 is unknown,

in full, outside of Sprint, and although some portions thereof may be known to Verizon, those portions would not be known to other parties.

3. The Information is closely guarded within Sprint. The Information is not available within Sprint except among a small group of people with access to, or that require access to, the Information. Access to the Information may only be obtained via request to the groups that possess the data constituting the Information, a determination by those groups that the requested access is appropriate, and that it conforms to confidentiality obligations in the case of VZ-SPT RR 1.

4. The information in VZ-SPT RR 1 represents a negotiated settlement between two parties to an arbitration and information regarding that settlement reflects the work-product of Sprint and AT&T. The information contained in DTC-SPT RR1 gives insight into the manner in which Sprint has constructed its network, routes its traffic, and interfaces with Verizon Massachusetts and its affiliates. Sprint benefits from other industry participants not having access to the Information. Making the Information available to other industry participants would deprive Sprint of the value Sprint derives from the Information not being publicly known.

5. Sprint, and AT&T as well as pertains to VZ-SPT RR 1, are at risk of competitive injury from disclosure of the Information. Public disclosure of the Information or certain data contained in the Information would have serious, injurious consequences as it would uniquely benefit Sprint's competitors, including Verizon and other carriers, by affording them access to information regarding Sprint's interconnection expenses, methodology, negotiated settlements, and other information which they would otherwise be unable to obtain.

6. During the Hearing, Sprint raised, and here renews, its objections regarding relevance and admissibility of the Information. Sprint's production of the Information shall not to be construed in any way as a waiver of Sprint's objections. Sprint reserves the right to renew its objections at such time as may be necessary.

7. The Information is proprietary, confidential, competitively sensitive, and constitutes trade secrets. The Information is not available to Sprint's competitors. And the Information has competitive and financial value to Sprint.

WHEREFORE, Sprint respectfully requests that the Department grant this Motion, afford confidential treatment to the Information submitted hereunder, and exclude the Information submitted hereunder from inclusion in public record in this docket.

Respectfully submitted,

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