

**BEFORE THE PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI**

In the Matter of the Determination of Prices of        )  
Certain Unbundled Network Elements.                )       Case No. TO-2002-397

**SPRINT'S RESPONSE TO ORDER DIRECTING FILING**

COMES NOW Sprint Communications Company, L.P. ("Sprint") and hereby responds to the Commission's Order Directing Filing issued May 28, 2002:

In this response, Sprint will address the last two questions posed by the Commission, as these two questions appear to apply to all parties in the case.

**QUESTION #3:** If the Commission adopts a hybrid protective order similar to the one suggested by IP, should that hybrid protective order be used in all Commission cases or just in this case? Explain your reasoning.

**RESPONSE:**

Sprint believes that the Commission's standard protective order should be modified to allow internal experts access to all information produced in all Commission cases. The Commission can achieve this by either: (1) maintaining a highly confidential designation separate from a proprietary designation but removing the restriction on internal experts' access to highly confidential information and in its place require internal experts to sign non-disclosure agreements that include any additional confidentiality protections that the Commission deems necessary; or (2) adopting one designation for confidential information and treating it in a manner consistent with the current proprietary designation. Either of these proposed options are

acceptable to Sprint and would bring the Missouri Public Service Commission in line with how other state commissions treat confidential information.

When the Commission makes the modification to the standard protective order, such modification should become a permanent part of the standard protective order issued by the Commission. While the Commission itself has a greater breadth of knowledge as to what information is generally marked highly confidential, it is Sprint's experience that the information marked highly confidential consists primarily of costing information. Costing information is routinely provided to internal experts in other states. Indeed, there is no reason to believe that as a rule a party will be asked to produce other types of information that would merit the extraordinary protection of limiting an internal expert's access. Further, in those rare cases, nothing prevents the producing party from seeking additional protection if it can demonstrate such protection is warranted. Therefore, the Commission's standard protective order should recognize that in the majority of cases, the information produced will be the type of information that can be shared with internal experts. The Commission may achieve this result by making permanent the modifications sought in this case.

**QUESTION #4:** What are the advantages or disadvantages to the Commission adopting the standard protective order but granting exceptions to it on a case-by-case basis in order to allow specific internal experts access to highly confidential information?

**RESPONSE:**

As mentioned above, Sprint believes that a permanent modification to the language of the standard protective order permitting internal experts to view information produced in a case, is preferable to case-by-case modifications. Sprint sees only disadvantages in setting up a case-by-case approach to modifying protective orders. This will result in a glut of individual company

requests to modify the protective orders in each and every contested case. Given the nature of the information typically designated highly confidential, i.e., cost information, the Commission will likely grant a modification to the protective order in each contested case. However, this modification is not forthcoming until such time as several pleadings have been filed, each of which requires a certain response time. This process would result in additional, unnecessary time spent on a proceeding, and requires an unnecessary the expenditure of resources by the parties involved. Alternatively, if the standard order was modified to capture the changes proposed in the case, the Commission would only see a motion to modify a protective order in the rare contested case in which a party can justify greater limited access. Further, the burden to file and demonstrate that such protection is warranted, is placed on the party who seeks the protection as opposed to the party seeking access to the information. This is how protective orders are generally structured in civil actions.

Therefore, unless this Commission is aware of circumstances that warrant far-reaching restrictions on access by internal experts, it should not make the modification on a case-by-case basis, but rather should make it a permanent modification to the standard protective order.

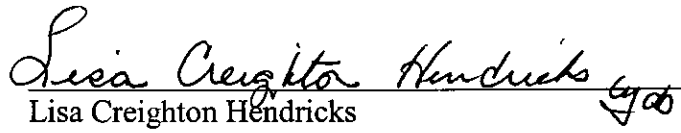
Respectfully submitted,

**Sprint**

  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the above and foregoing was mailed, postage prepaid, to the parties listed below, this 5<sup>th</sup> day of June, 2002.

  
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MO TO-2002-397

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