

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

In the Matter of a Commission Inquiry)
into the Possibility of Impairment without)
Unbundled Local Circuit Switching When)
Serving the Mass Market)

Case No. TO-2004-0207

**SUPPLEMENT TO SPRINT'S MOTION TO CHALLENGE
HIGHLY CONFIDENTIAL DESIGNATIONS**

COMES NOW Sprint Missouri, Inc. and Sprint Communications, L.P.
(collectively "Sprint"), and hereby supplements its Motion to Challenge the Highly
Confidential designations of Southwestern Bell Telephone Company d/b/a/ SBC
Missouri ("SBC") and CenturyTel of Missouri, LLC and Spectra Group LLC d/b/a
Century Tel ("CenturyTel") to address the basis upon which the designations were made
to the extent the basis were disclosed in Pre-hearing and workshop.

1. At the pre-hearing and the workshop, SBC stated that the basis for
designating information as Highly Confidential was that it was information about other
providers that may be deemed confidential by third parties. Further, SBC stated that it
had acquired the information from the third parties as they submitted orders for
unbundled network elements. Finally, SBC stated that while switch locations were
available in the LERG, the LERG does not indicate whether the switch is believed by
SBC to be serving mass market customers.

2. SBC's response reflects that it is not abiding by the Protective Order in this
case as it has failed to comply with Paragraph G, pertaining to information obtained

outside of discovery. Further, SBC's "belief" that a switch is serving mass markets is not highly confidential.

3. Paragraph G of the Protective Order requires that:

If any party plans to use information and testimony which has been obtained outside this proceeding, **it must ascertain** from the furnishing party if any of such information is claimed to be HIGHLY CONFIDENTIAL or PROPRIETARY **prior to filing**. (Emphasis added)

SBC completely ignored the above-quoted requirement. SBC admitted that its reasons for designating the information as confidential was that it derived its information about which providers serve the mass markets from service orders submitted under interconnection agreements it has entered into with various providers. SBC further admitted that it did not contact the providers either prior to filing on November 10 or since the filing to ascertain if such information is confidential. Finally, SBC informed Sprint that if Sprint wanted to know if this information could be reclassified, it was Sprint's responsibility to go ask the parties who supplied the information. This is contrary to the Protective Order and such violations should not be tolerated by this Commission. Marking information Highly Confidential just because you do not want to contact the party who provided the information is wrong and it results in information from third parties being used without their knowledge and is an overuse of the Highly Confidential designation that yields a public record that is meaningless.

4. SBC must comply with the Commission's Protective Order. The Protective Order requires it to contact the third party who supplied the information (service orders under interconnection agreements in this case) *prior to filing*. Until SBC

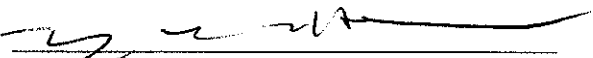
complies with the requirements of the Commission's Order, it should not be allowed to rely on the information in its November 10, 2003 filing.¹

5. Second, SBC's belief about who serves the mass market (as defined by SBC) is not highly confidential information. First, it is merely SBC's belief, not hard facts as to what exact switches serve what exact customers. Further, as demonstrated in *Nuvox Communications of Missouri Inc.'s Response to SBC's Response to Order Directing Filing*, SBC is wrong. Finally, as reflected in the attached excerpts of testimony filed by Susan J. Maggard on behalf of Cincinnati Bell with the Public Utilities Commission of Ohio in Case No 03-2040-TP-COI,² other ILECs perceive this information as public information.

Based on the above, Sprint renews its requests for the information to be reclassified.

Respectfully submitted,

SPRINT



Lisa Creighton Hendricks, Mo. Bar 42194
6450 Sprint Pkwy.
KSOPHN0212-2A253
Overland Park, Kansas 66251
Voice: 913-315-9363
Fax: 913-523-9829
lisa.c.creightonhendricks@mail.sprint.com

¹ This argument also applies to CenturyTel's to the extent it did not comply with the Protective Order.

² This information was sent to Sprint and designated public by Cincinnati Bell. Further, it is publicly available at the Ohio Public Utilities Commission website.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the above and foregoing was served on each of the following parties by first-class/electronic/facsimile mail this 19th day of November, 2003:

Michael Dandino
Office of Public Counsel
200 Madison Street, Suite 650
Jefferson City, MO 65101

General Counsel
Missouri Public Service
Commission
301 West High Street
Jefferson City, MO 65101

Paul G. Lane, Leo J. Bub
Robert J. Gryzmala
Mimi B. MacDonald
Southwestern Bell Telephone, L.P.
d/b/a SBC Missouri
One SBC Center, Room 3520
St. Louis, MO 63101

Dana K. Joyce
P.O. Box 360
200 Madison St., Suite 800
Jefferson City, MO 65102

Legal Department
Adelphia Business
Solutions Operations
712 N. Main Street
Coudersport, PA 16915

Legal Department
Birch Telecom of Missouri
2020 Baltimore Ave.
Kansas City, MO 64108

John B. Coffman
P.O. Box 7800
200 Madison St., Suite 640
Jefferson City, MO 65102

Legal Department
Advanced Integrated Tech
9855 W. 78th Street, Suite 300
Eden Prairie, MN 55344

Legal Department BTI
4300 Six Forks Rd., Suite 400
Raleigh, NC 27609

Legal Department
SBC Missouri
One Bell Center, Room 3520
St. Louis, MO 63101

Legal Department
Affordable Phone Company
808 S. Baker Street
Mountain Home, AR 72653

Legal Department
Budget Phone, Inc.
6901 W. 70th Street
P.O. Box 19360
Shreveport, LA 71129

Legal Department
Allegiance Telecom of Missouri
9201 N. Central Expressway
Dallas, TX 75231

Legal Department
BullsEye Telecom, Inc.
25900 Greensfield Road
Oak Park, MI 48237

Legal Department
Buy-Tele Communications, Inc.
6409 Colleyville Blvd.
P.O. Box 1170
Colleyville, TX 76034

Legal Department
Spectra Communications Group, LLC
d/b/a CenturyTel
220 Madison Street
Jefferson City, MO 65101

Legal Department
Alltel Communications, Inc.
1705 S. Lillian Ave.
P.O. Box 180
Bolivar, MO 65613

Legal Department
CenturyTel of Missouri
220 Madison Street
Jefferson City, MO 65101

Legal Department
AT&T Communications of
the Southwest
101 W. McCarty St., Suite 216
Jefferson City, MO 65101

Legal Department
CD Telecommunications
608 St. Hwy, 165, Suite #5
Branson, MO 65616

Legal Department
877-Ring Again
P.O. Box 720429
Dallas, TX 75372

Legal Department
Accutel of Texas, Inc.
7900 W. John Carpenter Freeway
Dallas, TX 75237

Legal Department
CAN Communications Services
32991 Hamilton Court
Farmington Hills, MI 48333

Legal Department
BBC Telephone, Inc.
154 N. Emporia
Wichita, KS 67202

Legal Department
e.sprie Communications
22685 Holiday Park Dr.,
Suite 80
Sterling, VA 20166

Legal Department
Ernest Communications
5275 Triangle Parkway, Suite 150
Norcross, GA 30092

Legal Department
Everest Midwest Licensee LLC
9647 Lackman Road
Lenexa, KS 66219

Legal Department
Excel Telecommunications
1600 Viceroy Dr.
Dallas, TX 75235

Legal Department
ExOp of Missouri
303 N. Jefferson
P.O. Box 891
Kearney, MO 64060

Legal Department
BarTel Communications
333 Leffingwell, Suite 101
St. Louis, MO 63122

Legal Department
Basicphone, Inc.
P.O. Box 220
Orange, TX 77631

Legal Department
Cinergy Communications
1419 West Lloyd Expressway
Evansville, IN 47710

Legal Department
Connect!
P.O. Box 619
Bryant, AR 72089

Legal Department
Fidelity Communications
Services III
64 N. Clark
Sullivan, MO 63080

Legal Department
Global Crossing
Local Services, Inc.
1080 Pittsford Victor Rd.
Pittsford, NY 14534

Legal Department
Global Crossing
Telemanagement
1080 Pittsford Victor Rd.
Pittsford, NY 14534

Legal Department
GlobalCom, iNc.
2100 Sanders Rd., Suite 150
Northbrook, IL 60062

Legal Department
Chariton Valley Telecom
Corporation
109 Butler
Macon, MO 63552

Legal Department
C12, Inc.
200 Galleria Pkwy.,
Suite 1200
Atlanta, GA 30339

Legal Department
Concert Communications Sales
2355 Dulles Corner Blvd., #LBBY
Herndon, VA 20171

Legal Department
Fidelity Communications Services,
II
64 N. Clark
Sullivan, MO 63080

Legal Department
Convergent Communications
P.O. Box 746237
Arvada, CO 80006

Legal Department
Cox Missouri Telecom
5428 Florida Blvd.
Baton Rouge, LA 70806

Legal Department
Davidson Telecom, LLC
19003 Hodestone Mews Crt.
Davidson, NC 28036

Legal Department
Delta Phones, Inc.
245 Illinois Street
Delhi, LA 71232

Legal Department
DIECA Communications
3420 Central Expressway
Santa Clara, CA 95051

Legal Department
FamilyTel of Missouri, LLC
2900 Louisville Ave.
Monroe, LA 71201

Legal Department
Fast Connections, Inc.
P.O. Box 40
Hubbard, OR 97032

Legal Department
Fidelity Cablevision, Inc.
64 N. Clark
Sullivan, MO 63080

Legal Department
Fidelity Communications Services I
64 N. Clark
Sullivan, MO 63080

Legal Department
NuVox Communications
16090 Swingley Ridge Rd.,
Suite 500
Chesterfield, MO 63017

Legal Department
Omniplex
1250 Wood Branch Park Dr.,
Suite 600
Houston, TX 77079

Legal Department
Phone-Link, Inc.
1700 Eastpoint Parkway, #270
Louisville, KY 40223

Legal Department
GoBeam Services, Inc.
5050 Hopyard Rd., Suite 350
Pleasanton, CA 94588

Legal Department
Green Hills Telecommunications
7926 NE State Route M
P.O. Box 227
Breckenridge, MO 64625

Legal Department
Group Long Distance, Inc.
1 Cavalier Court
P.O. Box 534
Ringoos, NJ 08551

Legal Department
Ionex Communications, Inc.
2020 Baltimore
Kansas City, MO 64108

Legal Department
IP voice Communications I
14860 Montford Dr., Suite 210
Dallas, TX 75254

Legal Department
KMC Data, LLC
1545 Route 206
Bedminster, NJ 07921

Legal Department
KMC Telecom III
1545 Route 206
Bedminster, NJ 07921

Legal Department
Level 3 Communications, I
1025 Eldorado Blvd.
Broomfield, CO 80021

Legal Department
EZ Talk Communications, LLC
4727 S. Main
Stafford, Texas 77477

Legal Department
DMJ Communications, Inc.
P.O. Box 12690
Odessa, TX 79768

Legal Department
dPi-Tele.-Connect, LLC
1720 Windward Concourse, #250
Alpharetta, GA 3000

Legal Department
DSLnet Communications, LLC
545 Long Wharf Dr., 5th Floor
New Haven, CN 06511

Legal Department
McLeodUSA
Telecommunications Services, Inc
6400 C Street, SW
P.O. Box 3177
Cedar Rapids, IA 52406

Legal Department
Metro Communications Co.
P.O. Box 555
Sullivan, IL 61951

Legal Department
Metro Teleconnect Company
2150 Herr Street
Harrisburg, PA 17103

Legal Department
Midwestern Tel
2751 N. Ashland Ave.
Chicago, IL 60614

Legal Department
PNG Telecommunications
100 Commercial Dr.
Fairfield, OH 45014

Legal Department
Popp Telecom Inc.
620 Mendelssohn Ave., North
Golden Valley, MN 55427

Legal Department
Premiere Paging & Cellular
1114 Blue Bird Lane
Liberty, MO 64068

Legal Department
QCC, Inc.
8829 Bond Street
Overland Park, KS 66214

Legal Department
QuantumShift Communications
88 Rowland Way
Novato, CA 94945

Legal Department
North County Communications
3802 Rosecrans Street
San Diego, CA 92110

Legal Department
Qwest Communications Corp.
1801 California St.,
47th Floor
Denver, CO 80202

Legal Department
Teligent Services, Inc
460 Herndon Pkwy, Suite 100
Herndon, VA 20170

Legal Department
The Cube
7941 Katy Freeway, Suite 304
Houston, TX 77024

Legal Department
Local Line America, Inc.
P.O. Box 4551
Akron, OH 44310

Legal Department
Magnus Communications, Inc.
340 S. Broadview
Cape Girardeau, MO 63703

Legal Department
Mark Twain Communications
P.O. Box 128
Hurdland, MO 63547

Legal Department
Maxcess, Inc.
P.O. Box 951419
Lake Mary, FL 32795

Legal Department
Maxcom, Inc.
1250 Wood Branch Dr., Suite 600
Houston, TX 77079

Legal Department
Max-Tel Communications
1720 Windward Concourse
Alpharetta, GA 30005

Legal Department
Reliant Communications
801 International Parkway
Lake Mary, FL 32746

Legal Department
Ren-Tel Communications
33 Black Forest Run
Douglasville, GA 30134

Legal Department
Rocky Mountain Broadband
999 18th St., Suite 1835
Denver, CO 80202

Legal Department
Missouri Comm South, Inc.
2909 N. Buckner Blvd., Suite 800
Dallas, TX 75228

Legal Department
Missouri State Discount
804 Elkins Lake
Huntsville, TX 77340

Legal Department
Missouri Telecom, Inc
515 Cleveland, Suite C
Monett, MO 64708

Legal Department
Navigator Telecommunications
8525 Riverwood Park Dr.
P.O. Box 13860
North Little Rock, AR 72113

Legal Department
Quick-Tel, Inc.
P.O. Box 1220
Bridgeport, TX 76426

Legal Department
Now Acquisition Corporation
180 N. Wacker Dr., Suite 3
Chicago, IL 60606

Legal Department
Southern Telecom Network
P.O. Box 1161
Mountain Home, AR 72653

Legal Department
Spectra Communications
1151 CenturyTel Drive
Wentzville, MO 63885

Legal Department
Transamerican Telephone
209 E. University
Denton, TX 76201

Legal Department
Sage Telecom, Inc.
805 Central Expressway
Allen, TX 75013

Legal Department
Supra Telecommunications
and Legal Department
Information Systems, Inc.
2620 SW. 27th Ave.
Miami, FL 33133

Legal Department
TruComm Corporation
1608 Barclay Blvd.
Buffalo Grove, IL 60089

Legal Department
SBA Broadband Services, Inc.
5900 Broken Sound Pkwy, NW
Boca Raton, FL 33487

Legal Department
Suretel, Inc.
5 N. McCormick
Oklahoma City, OK 73127

Legal Department
Unite
303 N. Jefferson
P.O. Box 891
Kearney, MO 64060

Legal Department
ServiSense.com, Inc.
115 Shawmut Road
Canton, MA 02021

Legal Department
Talk America, Inc.
6805 Route 202
New Hope, PA 18938

Legal Department
Valor Communications
CLEC of Missouri
201 E. John Carpenter
Freeway, #200
Irving, TX 75062

Legal Department
Simply Local Services, Inc.
2225 Apollo Dr.
Fenton, MO 63026

Legal Department
Tel Com Plus
2277 19th Ave., SW
Largo, FL 33774

Legal Department
VarTec Telecom, Inc.
1600 Viceroy Dr.
Dallas, TX 75235

Legal Department
Smoke Signal Communications
8700 5. Gessner
Houston, TX 77074

Legal Department
Telepacific Communications
515 5. Flower St., 47th Floor
Los Angeles, CA 90071

Legal Department
Verizon Select Services, Inc.
6665 N. MacArthur Blvd.
Irving, TX 75039

Legal Department
Snappy Phone
6901 W. 70th Street
Shreveport, LA 71129

Legal Department
Telera Communications
910 E. Hamilton Ave., Suite 200
Campbell, CA 95008

Legal Department
Xspedius Communications
(Switched Services)
7125 Columbia Gateway Dr.,
Suite 200
Columbia, MD 21046

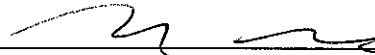
Legal Department
Socket Telecom, LLC
811 Cherry St., Suite 210
Columbia, MO 65201

Legal Department
Tele-Reconnect, Inc.
16925 Manchester Rd.
Wildwood, MO 63040

Legal Department
Z-Te Communications
601 S. Harbour Island Blvd., Suite
220
Tampa, FL 33602

Sheldon K. Stock
Jason L. Ross
Greensfelder, Hemker & Gale, P.C.
10 South Broadway
St. Louis, MO 63102-1774

Carl J. Lumley
Leland B. Curtis
130 S. Bemiston, Suite 200
Clayton, MO 63105



Lisa Creighton Hendricks

FILE

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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Implementation of
the Federal Communication
Commission's Triennial Review
Regarding Local Circuit Switching In the
Mass Market.

Case No: 03-2040-TP-COI

PUCO

PREFILED DIRECT TESTIMONY OF SUSAN J. MAGGARD
ON BEHALF OF CINCINNATI BELL TELEPHONE COMPANY

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**Cincinnati Bell Telephone Company
Proposed Mass Market Switching Markets**

MARKET 1					
Wire Center Name	WC Code	UNE Band	Port-out Customers with 1-3 lines	Number of CLECs Serving Mass Market Customers	CLECs Serving Mass Market Customers
EVENDALE	EV	1	85	6	AT&T,Global,ICG,MCI,NuVox,TWC
GLENDALE	GD	1	83	6	AT&T,Global,ICG,MCI,NuVox,TWC
MONTGOMERY	MO	1	39	6	AT&T,Global,ICG,MCI,NuVox,TWC
WEST SEVENTH	WS	1	166	6	AT&T,ICG,NuVox,TWC,Winstar
CRESCENTVILLE	CS	1	72	5	AT&T,ICG,MCI,NuVox,TWC
NORWOOD	NW	1	36	5	AT&T,Global,MCI,NuVox,TWC
ROSSMOYNE	RO	1	85	5	AT&T,ICG,MCI,NuVox,TWC
LOVELAND	LO	2	20	5	AT&T,Level3,MCI,NuVox,TWC
AVONDALE	AV	1	48	4	AT&T,MCI,NuVox,TWC
COVEDALE	CD	1	14	4	AT&T,MCI,NuVox,TWC
MT WASHINGTON	MW	1	19	4	AT&T,ICG,MCI,NuVox,TWC
HAMILTON	HM	2	21	4	Level3,MCI,NuVox,TWC
MILFORD	MF	2	17	4	AT&T,MCI,NuVox,TWC
SAYLER PARK	SP	2	11	4	AT&T,MCI,NuVox,TWC
TOBASCO	TO	2	11	4	AT&T,MCI,NuVox,TWC
CHERRY GROVE	CG	1	8	3	MCI,NuVox,TWC
CHEVIOT	CH	1	6	3	AT&T,NuVox,TWC
HARTWELL	HW	1	28	3	MCI,NuVox,TWC
MADISONVILLE	MA	1	22	3	ICG,NuVox,TWC
MT HEALTHY	MH	1	10	3	MCI,NuVox,TWC
NORTH GREENHILLS	NG	1	27	3	MCI,NuVox,TWC
NORTHSIDE	NS	1	27	3	MCI,NuVox,TWC
PRICE HILL	PH	1	27	3	AT&T,NuVox,TWC
ST BERNARD	SB	1	14	3	MCI,NuVox,TWC
WESTWOOD	WD	1	10	3	MCI,NuVox,TWC
BATAVIA	BA	2	6	3	MCI,NuVox,TWC
HARRISON	HR	2	7	3	MCI,NuVox,TWC
WEST CHESTER	WC	2	31	3	MCI,NuVox,TWC

**Cincinnati Bell Telephone Company
Proposed Mass Market Switching Markets**

MARKET 2					
Wire Center Name	WC Code	UNE Band	Port-out Customers with 1-3 lines	Number of CLECs Serving Mass Market Customers	CLECs Serving Mass Market Customers
FAIRFIELD	FF	1	2	2	NuVox, TWC
GROESBECK	GR	1	14	2	MCI, NuVox
HYDE PARK	HP	1	13	2	NuVox, TWC
GOSHEN	GS	2	1	1	NuVox
MIAMI	MM	2	1	1	NuVox
HAMLET	HT	2	0	0	

MARKET 3					
Wire Center Name	WC code	UNE Band	Port-out Customers with 1-3 lines	Number of CLECs Serving Mass Market Customers	CLECs Serving Mass Market Customers
BETHEL	BE	3	1	1	NuVox
NEW RICHMOND	NR	3	0	0	
NEWTONSVILLE	NE	3	0	0	
REILY	RE	3	0	0	
SEVEN MILE	SM	3	0	0	
SHANDON	SH	3	0	0	
WILLIAMSBURG	WB	3	0	0	