

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

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

**SOUTHWESTERN BELL TELEPHONE COMPANY'S
REPLY TO STAFF**

Southwestern Bell Telephone Company¹ respectfully submits this Reply to the "Reply" comments filed June 10, 2002 by Staff of the Missouri Public Service Commission.²

Southwestern Bell is filing this reply now because it was not aware of Staff's comments until after Southwestern Bell filed its own Reply on June 10, 2002.³

From a substantive perspective, Staff recommends the adoption of a "hybrid protective order" in this case, but does not provide any analysis of the differences between the proposed "hybrid protective order," and the Commission's Standard Protective Order. Nor does it offer any justification for adopting the "hybrid" order beyond noting that companies will incur expense in hiring an outside consultant.⁴ In its June 10, 2002 comments, Southwestern Bell has previously pointed out that IP's proposed "hybrid" protective order goes far beyond permitting internal employees to review another party's Highly Confidential data. Like the other parties to this case, Staff has failed to provide sufficient justification that would support the scuttling of the Commission's Standard Protective Order, which has served the Commission and those that practice before it well for years.

¹ Southwestern Bell Telephone, L.P., d/b/a Southwestern Bell Telephone Company, will be referred to in this pleading as "Southwestern Bell" or "SWBT."

² Staff's Reply to various Responses to Commission Questions, filed June 10, 2002 in Case No. TO-2002-397.

³ Although Southwestern Bell believes Staff's comments are in the nature of an initial Response to the Commission's Questions, it has no objection to their being filed as a Reply as long as SWBT is permitted to file a responsive pleading. Southwestern Bell believes it has a right to do so under Commission Rule 4 CSR 240-2.080(16).

⁴ Staff Reply, p. 1.

Before departing from the Standard Protective Order as Staff recommends, the Commission should recognize that the dispute in this case involves only one type of documents that are typically classified as Highly Confidential ("HC"): cost study information. If there is a need to revise the Standard Protective Order, it should be limited to HC cost study data, not marketing, strategic planning and other data that is extremely critical to all companies that competitors should not have access to. And even if the Commission does make a change with regard to the availability of cost study data in this case, it should do so consistent with the way Southwestern Bell has reached accommodations in other cases, through a separate nondisclosure agreement which assures that no one with retail marketing, pricing, procurement or strategic analysis or planning responsibilities is permitted to review it. The Commission should not permit competitors to utilize the regulatory process to gain access to Highly Confidential information from other competitors with resultant damage to the competitive process.

Respectfully submitted,

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CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by e-mail and first-class, postage prepaid, U.S. Mail or via hand-delivery on June 12, 2002.


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