

BEFORE THE MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS
Suite 1700
100 Washington Square
Minneapolis, Minnesota 55401-2138

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION
Suite 350
121 Seventh Place East
St. Paul, Minnesota 55101-2147

Gregory Scott	Chair
Edward A. Garvey	Commissioner
Marshall Johnson	Commissioner
LeRoy Koppendrayner	Commissioner
Phyllis A. Reha	Commissioner

In the Matter of an Investigation Regarding
Qwest's Compliance with Section 271 of the
Telecommunications Act of 1996 with Respect
to the Provision of InterLATA Services
Originating in Minnesota

MPUC Docket No. P-421/CI-96-1114
OAH Docket No. 12-2500-14473-2

In the Matter of a Commission Investigation
Into Qwest's Compliance with Sec. 271 (c)(2)OAH Docket No. 12-2500-14485-2
(B) of the Telecommunications Act of 1996;
Checklist Items 3, 7, 8, 9, 10 and 12

MPUC Docket No. P-421/CI-01-1370

In the Matter of a Commission Investigation
Into Qwest's Compliance with Sec. 271 (c)(2)OAH Docket No. 7-2500-14486-2
(B) of the Telecommunications Act of 1996;
Checklist Items 1, 2, 4, 5, 6, 11, 13 and 14

MPUC Docket No. P-421/CI-01-1371

In the Matter of a Commission Investigation
Into Qwest's Compliance with Sec. 272
of the Telecommunications Act of 1996's
Separate Affiliate Requirements

MPUC Docket No. P-421/CI-01-1372
OAH Docket No. 7-2500-14487-2

In the Matter of a Commission Investigation
Into Qwest's Compliance with Sec. 271 (d)
(3)(C) of the Telecommunications Act of 1996
That the Requested Authorization is Consistent
with the Public Interest, Convenience and
Necessity

MPUC Docket No. P-421/CI-01-1373
OAH Docket No. 12-2500-14488-2

In the Matter of Qwest's Statement of
Generally Available Terms (SGAT)
Pursuant to Section 252 (f) of the
Telecommunications Act of 1996

MPUC Docket No. P-421/CI-01-1374
OAH Docket No. 12-2500-14489-2

SUPPLEMENTAL PROTECTIVE ORDER

In the above-referenced matters, the Commission has determined that it will be necessary to obtain information from various competitive local exchange carriers ("CLECs") relating to the number of loop facilities owned and operated by those CLECs within the state of Minnesota. It is also important that this loop count information be broken down between residential and business facilities.

AT&T, and other CLECs operating within the state, regard this information as highly sensitive, because it directly reflects upon their ability to provide services to the public. These CLECs assert that the protections afforded to this information under the existing Protective Agreement are inadequate. Additionally, AT&T, among others, does not keep its records in this regard in a manner that would provide loop count information within Qwest's service territory. Instead, such information is available only on a state-wide basis.

The number of loop facilities owned and operated by individual CLECs within the state is by nature trade secret information as defined under Minn. Stat. §13.37, and should be afforded additional protections from discovery by and disclosure to third parties.

NOW, THEREFORE, it is hereby

ORDERED

1. That data sought from a competitive local exchange carrier during the course of these proceedings, specifying the number of access lines owned or built by the carrier, or specifying the number of customers which the carrier may have, irrespective of how presented, whether aggregated or disaggregated by the carrier, whether prepared geographically or otherwise (the "Information"), shall receive additional protection as follows:

a. The Information shall be made available only to (i) the Commission and its Staff; (ii) the presiding Administrative Law Judge and the Office of Administrative Hearings; (iii) John Munn on behalf of Qwest; (iv) the Residential and Small Business Utilities Division of the Office of the Attorney General; and (v) the Minnesota Department of Commerce.

b. Recognizing that the Minnesota Government Data Practices Act ("MGDPA") controls the maintenance and dissemination of data by Minnesota government entities, these government entities shall not disclose this information except as authorized by the MGDPA or other applicable law. The Office of the Attorney General and the Department of Commerce may provide the Information to their respective experts retained to provide assistance on this matter, who as agents of these government entities are also bound by the requirements of the MGDPA.

c. Persons allowed to receive the Information in this proceeding shall not divulge or reveal the Information to anyone except as specified in this Order or as otherwise required by law. Nothing in this Order shall preclude a party from

disclosing aggregate loop data for the entire CLEC market, provided the aggregate data does not reveal individual CLEC information.

d. Within ten days of the issuance of this Order, John Munn on behalf of Qwest shall execute Exhibit A, affixed to this Supplemental Protective Order, agreeing to be bound by the initial Protective Order issued in these proceedings, and this Supplemental Protective Order as modified herein. Experts of the Office of the Attorney General, the Department of Commerce, and any other applicable agency, shall also execute Exhibit A, affixed to this Supplemental Protective Order, within ten days of being retained by the applicable agency. Original executed Exhibit A's shall be filed with the Office of Administrative Hearings and copies shall be sent to the service list.

e. Before any of the Information is disclosed in hearings before the Administrative Law Judge or the Commission, the party seeking to disclose the Information will obtain a ruling whether the hearing shall be closed to include only the persons authorized under this Supplemental Protective Order to have access to the Information.

2. In the event that information of a similar sensitivity is requested from Qwest, the parties agree to work cooperatively on an agreement that will provide similar additional protection.

Dated: November 27, 2001.

/s/ Steve M. Mihalchick
STEVE M. MIHALCHICK
Administrative Law Judge

EXHIBIT A

NONDISCLOSURE AGREEMENT

I hereby certify that I am familiar with the terms and conditions of both the Protective Order and the Supplemental Protective Order entered by the Commission in the above-captioned dockets and I agree to be bound by the terms and conditions thereof. I further certify that I am eligible to receive confidential information under the terms of both the above-referenced Protective Order and the Supplemental Protective Order.

Name (print or type)

Title

Representing

Business address

Date

Signature