

Service Date: October 11, 2002

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA  
\* \* \* \* \*

IN THE MATTER OF the	)	UTILITY DIVISION
Filing by Qwest Communications, Inc. to	)	
Establish Cost-Based Wholesale Prices for the	)	DOCKET NO. D2002.7.87
Remainder of Qwest's Network Elements	)	ORDER NO. 6435a

**PROTECTIVE ORDER**

On September 19, 2002, Qwest Communications ("Qwest") filed a Motion for Protective Order to govern certain information expected to be filed in the above-entitled proceeding. Qwest requests protection of information relating to:

- 1) MCC-33, requiring production of Excel files containing vendor proprietary pricing and rate information.
- 2) MCC- 034, requiring production of vendor contracts that are by their terms confidential.
- 3) MCC-035, requiring production of confidential vendor contracts.
- 4) MCC-036 requiring production of confidential vendor invoices that contain pricing information that is confidential.

Qwest argues that the identified information is trade secret in accordance with § 30-14-402(4), MCA. Production of this information without a protective order in place could be construed as a breach by Qwest of the agreements Qwest has with the third party vendors at issue here.

The Public Service Commission (PSC or Commission) determines that the identified information could be confidential and subject to protection from public disclosure pursuant to § 69-3-105(2), MCA. Therefore, the PSC grants Qwest's request and hereby orders that information submitted in accordance with this Order be treated as "confidential information" under the terms of this Order and PSC protective order rules, ARM 38.2.5001 through 38.2.5030. This order covers the specific information identified above only, and does not extend to a broadly worded protective order.

DONE AND DATED this 8th day of October 2002, by a vote of 5 to 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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GARY FELAND, Chairman

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JAY STOVALL, Vice Chairman

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BOB ANDERSON, Commissioner

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MATT BRAINARD, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons  
Commission Secretary

(SEAL)

NOTE: There is no reconsideration of the granting of a protective order. There is a procedure to challenge the provider's claim of confidentiality. See ARM 38.2.5008.

Montana Public Service Commission  
Protective Orders and Protection of Confidential Information

## Nondisclosure Agreement

(7-26-00)  
ARM 38.2.5012

Docket No. D2002.7.87, Order No. 6435a  
Order Action Date: October 8, 2002

I understand that in my capacity as counsel or expert witness for a party to this proceeding before the commission, or as a person otherwise lawfully so entitled, I may be called upon to access, review, and analyze information which is protected as confidential information. I have reviewed ARM 38.2.5001 through 38.2.5030 (commission rules applicable to protection of confidential information) and protective orders governing the protected information that I am entitled to receive. I fully understand, and agree to comply with and be bound by, the terms and conditions thereof. I will neither use nor disclose confidential information except for lawful purposes in accordance with the governing protective order and ARM 38.2.5001 through 38.2.5030 so long as such information remains protected.

I understand that this nondisclosure agreement may be copied and distributed to any person having an interest in it and that it may be retained at the offices of the provider, commission, consumer counsel, any party and may be further and freely distributed.

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date of Signature

Business Address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Employer

\_\_\_\_\_  
Party Represented