

Service Date: January 30, 2004

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

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IN THE MATTER OF	)	UTILITY DIVISION
Tariff Transmittal QLDC03-01	)	
by Qwest Communications Corporation	)	DOCKET NO. D2003.10.153
Initial Tariff and Price List for Qwest	)	
Communications Corporation	)	ORDER NO. 6523b

**PROTECTIVE ORDER**

On January 9, 2004, Qwest Communications Corp. ("Qwest" or "QCC") filed a Motion for Protective Order to govern certain information expected to be filed in the above-entitled proceeding.

The Parties request protection of information relating to:

- 1) A cost study that measures QCC's cost of providing long distance products in an economically efficient manner;
- 2) The information contained in the cost study;
- 3) Responses to discovery relating to the cost study that require either disclosure of information contained in the cost study or disclosure of other proprietary information necessary to provide responses to discovery.

Qwest has submitted the affidavit of Teresa K. Million, Staff Director of Service Costs with QCC, in support of the motion. Qwest argues that the identified information is trade secret in accordance with § 30-14-402(4), MCA.

The PSC determines that Qwest has shown good and sufficient cause in fact and in law that the information for which protection is requested is entitled to protection from uncontrolled public disclosure pursuant to § 69-3-105, MCA, and in accordance with the analysis set forth in *The Great Falls Tribune v. Montana Public Service Commission et al*, 2003 MT 359 (December 18, 2003). Therefore, the PSC grants the Parties' request and hereby orders that information submitted 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 is issued subject to modification, if, in accordance with the Court's holding in the *Great Falls Tribune* decision,

Commission direction so requires. Any modification to the Order will be preceded by notice to Qwest and will allow an opportunity to be heard on the matter. Additional process and modification of this order, if any, will be entered subject to Qwest's opportunity to appeal or challenge the additional process or modification.

IT IS THEREFORE ORDERED that Qwest's motion for a protective order is granted.

DONE AND DATED this 20th day of January, 2004, by a vote of 5 to 0.

Montana Public Service Commission  
Protective Orders and Protection of Confidential Information

**Nondisclosure Agreement**

(7-26-00)

ARM 38.2.5012

Docket No. D2003.10.153, Order No. 6523b

Order Action Date: January 30, 2004

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

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION



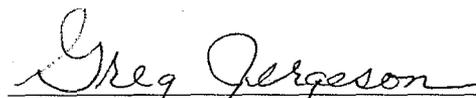
BOB ROWE, Chairman



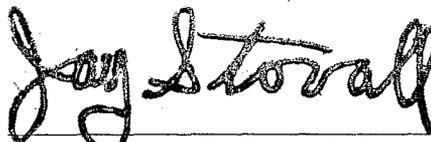
THOMAS J. SCHNEIDER, Vice Chairman



MATT BRAINARD, Commissioner

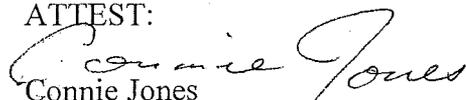


GREG JERGESON, Commissioner



JAY STOVALL, Commissioner

ATTEST:



Connie Jones  
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.