

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

| | | |
|--|---|------------------------|
| IN THE MATTER OF CenturyLink QC's |) | REGULATORY DIVISION |
| Service Quality and Its Response to Notice |) | |
| of Commission Action in Docket N2014.3.38, |) | DOCKET NO. D2014.11.91 |
| Including Petition for Waiver of Admin. R. |) | |
| Mont. 38.5.337197)(b) |) | |
| |) | |
| IN THE MATTER OF the Request of Staff of |) | |
| the Montana Public Service Commission for |) | |
| CenturyLink Service Quality Information |) | DOCKET NO. N2014.4.38 |

CENTURYLINK QC
MOTION FOR A PROTECTIVE ORDER

1.

Qwest Corporation d/b/a CenturyLink QC ("CenturyLink QC"), by and through counsel undersigned, submits this *Motion for Protective Order* to the Montana Public Service Commission ("MPSC"). The motion is filed pursuant to A.R.M. §§ 38.2.5001 through 38.2.5030, for the protection of the following information CenturyLink QC plans to submit in response to data requests propounded by the Public Service Commission's Staff in this docket:

- a. *MCC-001 Confidential Attachment B* includes very detailed CenturyLink QC investment data broken down by wire center and investment reason for all investment jobs for the years 2000-2014.
- b. *MCC-002 Confidential Attachment A* provides the specific addresses where CenturyLink QC has deployed Fiber to the Node ("FTTN") in Montana as of 12-31-14.

- c. *MCC-002 Confidential Attachment B* provides the specific addresses where CenturyLink QC has deployed Central Office COIP in Montana as of 12-31-14.
- d. *MCC-002 Confidential Attachment C* provides the specific addresses where CenturyLink QC has deployed Pair Bonding in Montana as of 12-31-14.
- e. *MCC-002 Confidential Attachment D* provides the specific addresses where CenturyLink QC has deployed Fiber to the Home ("FTTH) in Montana as of 12-31-14.
- f. *MCC-003 Confidential Attachment A* provides the cellular tower addresses in the CenturyLink QC territory that are served by CenturyLink's Fiber to the Cell Tower initiative.
- g. *MCC-007 Confidential Attachment A* provides Living Unit data showing the percentage of Living Units served by CenturyLink QC voice services for each CenturyLink QC wire center in Montana.
- h. *MCC-008 Confidential Attachment A* provides the number of total switched access lines and residential switched access lines for each census block in the CenturyLink QC Montana serving area as of December 31, 2013.
- i. *MCC-009 Confidential Exhibits 164* provides an FCC filing that includes confidential data related to broadband and service quality results.
- j. *MCC-011 Confidential Attachment A* provides the 2013 Leadership Scorecard for every CenturyLink QC Montana exchange.
- k. *MCC-011 Confidential Attachment B* provides the 2014 Leadership Scorecard for every CenturyLink QC Montana exchange.
- 1. *MCC-014 Confidential Attachment A* provides a detailed calculation, by wire center, of the estimated cost of replacing all analog carrier systems in each of 37 wire centers.

CenturyLink QC requests a Standard Protective Order issued pursuant to ARM § 38.2.5014 to protect trade secrets contained in those responses. The Motion is supported by the Affidavit of Robert Brigham, Regulatory Operations Director for CenturyLink ("Brigham Affidavit"), filed herewith as Attachment A.

2.

The person to be contacted regarding this motion is Mr. William E. Hendricks at Tre.Hendricks@CenturyLink.com or (541) 387-9439 or mobile (541) 400-8421.

3.

CenturyLink QC seeks protection for information provided in response to discovery in the case, as outlined above and as described in paragraph 4 of Attachment A ("Information"). The Information is competitively sensitive in that it contains granular capital expenditure at the address level, access line information at the census block level, living unit data at the wire center level, and service quality data at the wire center level that is similar to that for which the Commission has previously granted protection. The Information includes data that competitors could use to gain an unfair advantage in CenturyLink QC's Montana serving territory..

4.

The following discussion establishes a complete and specific legal and factual basis for issuing the requested protective order. The discussion is supported by the Affidavit of Mr. Brigham who is qualified to provide testimony on the subject matter of this motion.

5.

The legal basis for CenturyLink QC's Motion for Protective Order is that the Information is trade secret. Montana adopted and employs the Uniform Trade Secret Act (hereafter the "Act"). See §§ 40-14-401, *et seq.*, MCA.

6.

The Administrative Rules enacted by the MPSC to implement the Act identify six elements for establishing *prima facie* that Information may be protected as trade secret.

ARM § 38-2-5007(4)(b).

(i) prior to requesting a protective order, the provider has considered that the commission is a public agency and that there is a constitutional presumption of access to documents and information in the commission's possession;

(ii) the claimed trade secret material is information;

(iii) the information is secret;

(iv) the secret information is subject to efforts reasonable under the circumstances to maintain its secrecy;

(v) the secret information is not readily ascertainable by proper means; and

(vi) the information derives independent economic value from its secrecy, or that competitive advantage is derived from its secrecy.

7.

CenturyLink QC understands and has fully considered the constitutional presumption in favor of public access to Information filed in MPSC proceedings.

8.

The material is Information. The material for which protection is sought is comprised of knowledge, data and facts collected and recorded by, or at the direction of CenturyLink QC, which will be provided in response to discovery. As such, the material is Information as that term is defined by law. ARM § 38-2-5001(3).

9.

The Information is secret. CenturyLink QC does not share the Information for which protection is sought with other parties and maintains the information secretly. Brigham Aff. ¶ 3. Moreover, the Commission has traditionally deemed similar information as confidential when CenturyLink QC has provided it.

10.

Reasonable efforts are used to maintain secrecy. CenturyLink QC protects the secrecy of the Information with a security protocol that ensures the Information is not inadvertently disclosed or disseminated. The Information is maintained electronically on a secure network. Access to the Information is also password protected. Only employees and managers with a direct need to know are authorized to access the Information. In addition, all paper copies and drafts of the Information are marked as confidential and destroyed when no longer needed. Brigham Aff. ¶ 3.

11.

The data is not readily ascertainable by proper means. The Information for which protection is sought is collected and tabulated by CenturyLink QC directly. Brigham Aff ¶ 3.

12.

The Information derives independent economic value or a competitive advantage is derived from its secrecy. If the Information is not protected, CenturyLink QC's business competitors could use it to prioritize their marketing efforts and efficiently target specific customers or groups of customers in specific areas. Brigham Aff. ¶ 5, 6, 7, 8, 9, 10 & 11.

13.

Discussion. CenturyLink QC respectfully requests that the Commission treat the Information as confidential because it is competitively sensitive. CenturyLink QC acknowledges that the Commission does not generally provide confidential treatment for information that is maintained on a statewide basis. CenturyLink QC therefore is requesting confidential treatment in this Motion only for information provided at the *exchange, census block or address* level, for which the Commission traditionally provides confidential treatment.

The Commission has granted protection of service quality metric performance data by wire center. See Docket No. N2014.4.38, Order No. 7345 (May 20, 2014) and

Docket No. D2014.11.91, Order No. 7345a (November 24, 2014) and 7388b (February 3, 2015). Similarly, the Commission has granted protection of information that contained living unit and share data by wire center. *See* Docket No. D2013.11.78, Order No. 7324 (January 22, 2014) and Docket No. D2014.11.91, Order No. 7388b (February 3, 2015). CenturyLink QC requests similar protection in this Motion and offers the following justification for granting confidential treatment for certain of its responses to the Staff data requests:

1. *MCC-001 Confidential Attachment B* – Detailed capital expenditure data

Confidential Attachment B to MCC-001 includes very detailed capital expenditure data broken down by wire center and “investment reason” for all CenturyLink QC investment jobs for the years 2000-2014. As Mr. Brigham explains in his Affidavit, disclosure of this data would provide CenturyLink’s competitors with a comprehensive view of the company’s capital expenditures over time, by specific location and with the reason for the investment. Knowledge of this data would allow an existing or potential competitor to more effectively compete with CenturyLink for customers, and to target specific areas for expansion or upgrade of facilities. Knowledge of this data would allow a potential competitor to plan its own network infrastructure deployments to more effectively compete with CenturyLink for customers. Historically, the Commission has recognized this kind of data as warranting confidential treatment.

2. *MCC-002 Confidential Attachments A, B, C and D* – CenturyLink QC Deployment of Fiber to the Node (“FTTN”), Central Office COIP, Pair Bonding and Fiber to the Home (“FTTH”)

Confidential Attachments A, B, C and D to MCC-002 include the specific addresses in Montana where CenturyLink QC has deployed Fiber to the Node (“FTTN”), Central Office COIP, Pair Bonding and Fiber to the Home (“FTTH”) technologies as of 12-31-14. *See* Brigham Affidavit, at ¶6. These attachments include

granular, location-specific data showing exactly where CenturyLink QC has upgraded its facilities using specific technologies. Knowledge of this address-specific data would allow existing or potential competitors to more effectively compete with CenturyLink; empowering the competitor with information that would allow it to target specific customer locations for marketing initiatives or the expansion or upgrade of facilities.

3. *MCC-003 Confidential Attachment A* – Cellular tower addresses in the CenturyLink QC territory.

The Information in this attachment provides granular, location-specific data showing where CenturyLink has deployed fiber to a cellular tower to serve a wireless carrier. *See* Brigham Affidavit, at ¶7. As Mr. Brigham notes in the Affidavit, CenturyLink QC today competes with many other carriers such as cable companies to provide these backhaul facilities to wireless providers. Knowledge of this geographically specific data would allow existing and potential competitor to more effectively compete with CenturyLink QC for wireless company backhaul business, and to target specific areas for expansion or upgrade of facilities to serve the backhaul needs of wireless carriers.

4. *MCC-007 Confidential Attachment A* – Living Unit data for each CenturyLink QC wire center in Montana.

Confidential Attachment A to MCC-007 includes living Unit data for each CenturyLink QC wire center in Montana, including (1) total Living Units, (2) Living Units served by CenturyLink QC voice and (3) the percentage of Living Units served with CenturyLink QC voice services. *See* Brigham Affidavit, at ¶8. This data shows the exact level of CenturyLink QC voice market penetration in each wire center. Knowledge of this data would allow competitors to target specific wire centers and develop strategic and marketing plans based on the market penetration achieved by CenturyLink. The Commission has already found this data for the prior year to be confidential, in Order No. 7324 in Docket No. 2013.11.78 (Issued January 22, 2014).

5. *MCC-008 Confidential Attachment A* – Provides the number of total switched access lines and the number of residential switched access lines by census block.

Confidential Attachment A to MCC-008 includes total switched access lines and the number of residential switched access lines by census block as of December 31, 2013, as contained in CenturyLink QC's mapping database. *See* Brigham Affidavit, at ¶9. There are over 20,000 census blocks in CenturyLink QC's Montana service area, which makes the information much more granular than wire center specific information and thus potentially much more useful to competitors.

6. *MCC-009 Confidential Exhibit 164* – Filing made with the FCC that includes confidential data related to broadband and service quality results.

Exhibit 164 contains detailed service quality data for specific outages and specific unfilled requests for services. *See* Brigham Affidavit, at ¶10. The Commission has previously granted protection for similar data in Docket N2014.4.38 (Order 7345). Knowledge of this detailed service outage and unfilled service request data would allow an existing or potential competitor to more effectively compete with CenturyLink by targeting specific customer locations for marketing initiatives, or for expansion or upgrade of facilities.

7. *MCC-011 Confidential Attachments A and B* – Leadership Scorecards for every CenturyLink QC Montana exchange for 2013 and 2014.

The reports provide extremely granular detail regarding CenturyLink's service quality and performance in each exchange. The information in the reports would provide competitors with a distinct competitive advantage, allowing them to target marketing efforts to identified persons or groups of persons in identified geographic areas of the state, based on detailed knowledge of CenturyLink's performance. *See* Brigham Affidavit, at ¶ 11. The Commission previously granted protection of service quality metric performance data by wire center in Order 7345 in Docket N2014.4.38 (May 20, 2014) and in Order 7345a in Dockets D2014.11.91 and N2014.4.38 (November

24, 2014). On January 26, 2015, CenturyLink filed a Motion for Protection of the same data (but only for three wire centers). The Commission has not ruled on this motion. These operational metrics would be extremely useful for a competitor to determine where to offer competitive services, or where not to do so. For example, a competitor could, based on provisioning and repair commitments met, avoid areas where CenturyLink QC is performing extremely well and target areas where it is not. A competitor could also use CenturyLink QC's service quality performance in its advertising. Because CenturyLink QC has no access to the service quality performance of its competitors and potential competitors, their possession of this confidential information about CenturyLink QC would give them an asymmetrical advantage in their marketing against CenturyLink QC. The Commission should not, through public disclosure of confidential information, favor or disfavor any competitor.

Similar information has been treated as confidential by the Commission. *See* Order Nos. 7345 and 7345a. The Commission held that outage information should be protected as confidential "because such information would allow a competitor to target specific customers." Order 7345a, at ¶ 24. The 2013 and 2014 Leadership Scorecard reports include wire center specific information that is even more detailed and sensitive than the information for which the Commission approved confidential treatment in Order No. 7345 and 7345a.

Because CenturyLink QC keeps the information in the reports as confidential, as set forth in the Commission's rules, it would create an unfair competitive advantage for a competitor to have ready access to it. Allowing public access to the information in the Leadership Scorecard reports would cause substantial and irreparable harm to CenturyLink QC. And the Commission has approved confidential treatment of similar information. CenturyLink QC therefore urges the Commission to treat the Leadership Scorecard report provided in response to MCC-011 Attachments A and B as confidential.

8. *MCC-014 Confidential Attachment A* – Calculation by wire center of the estimated cost to replace all analog carrier systems in each of 37 wire centers.

This investment information would very useful to competitors. CenturyLink's cost to replace the infrastructure used to serve these customers would aid potential competitors in determining whether or not to enter into competition with CenturyLink to serve these customers. Thus, allowing public disclosure of this information would confer a direct advantage to competitors.

14.

Requested Relief. For the reasons discussed in this Motion and the accompanying Affidavit of Robert Brigham, CenturyLink QC respectfully asks the MMCC to issue a Standard Protective Order pursuant to ARM § 38.2.5014 covering the Information described in Paragraphs 5, 8, 9 and 11 of Attachment A. *See Brigham Aff.*

15.

CenturyLink QC personnel are available to discuss with MMCC Staff any specific materials referred to in this Motion if Staff has questions regarding the material or the basis for the assertion of trade secret status.

DATED this 10th day of March 2015.

GOUGH, SHANAHAN, JOHNSON & WATERMAN, PLLP

By:  _____
Peter G. Scott, Attorneys for CenturyLink QC

Attachments:

Attachment A: Affidavit of Robert Brigham

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on March 10, 2015, in the manner shown and addressed as follows:

Via Hand Delivery and e-filing:

Kate Whitney, Administrator
Utility Division
Montana Public Service Commission
1701 Prospect Avenue
Helena, MT 59601

Via E-Mail and mail:

Monica Tranel, Esq.
Montana Consumer Counsel
PO Box 201703
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Jason Williams, Esq.
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4 Carriage Lane
Helena MT 59691
Dennis.lopach@gmail.com



Attachment A

authorized to access the Information. Any paper copies of the Information are marked as confidential and destroyed after use.

4. Information described in the accompanying *Motion for Protective Order* consists of data provided in response to the first set of data requests from the Montana Consumer Counsel ("MCC"). The confidential data is included in the following attachments and exhibits:
 - a. *MCC-001 Confidential Attachment B* includes very detailed CenturyLink QC investment data broken down by wire center and investment reason for all investment jobs for the years 2000-2014.
 - b. *MCC-002 Confidential Attachment A* provides the specific addresses where CenturyLink QC has deployed Fiber to the Node ("FTTN") in Montana as of 12-31-14.
 - c. *MCC-002 Confidential Attachment B* provides the specific addresses where CenturyLink QC has deployed Central Office COIP in Montana as of 12-31-14.
 - d. *MCC-002 Confidential Attachment C* provides the specific addresses where CenturyLink QC has deployed Pair Bonding in Montana as of 12-31-14.
 - e. *MCC-002 Confidential Attachment D* provides the specific addresses where CenturyLink QC has deployed Fiber to the Home ("FTTH") in Montana as of 12-31-14.
 - f. *MCC-003 Confidential Attachment A* provides the cellular tower addresses in the CenturyLink QC territory that are served by CenturyLink's Fiber to the Cell Tower initiative.
 - g. *MCC-007 Confidential Attachment A* provides Living Unit data showing the percentage of Living Units served by CenturyLink QC voice services for each CenturyLink QC wire center in Montana.
 - h. *MCC-008 Confidential Attachment A* provides the number of total switched access lines and residential switched access lines for each census block in the CenturyLink QC Montana serving area as of December 31, 2013.
 - i. *MCC-009 Confidential Exhibit 164* provides an FCC filing that includes confidential data related to service quality results.

- j. *MCC-011 Confidential Attachment A* provides the 2013 Leadership Scorecard for every CenturyLink QC Montana exchange.
- k. *MCC-011 Confidential Attachment B* provides the 2014 Leadership Scorecard for every CenturyLink QC Montana exchange.
- l. *MCC-014 Confidential Attachment A* provides a detailed calculation, by wire center, of the estimated cost of replacing all analog carrier systems in each of 37 wire centers.

The Information requested in these data requests represents trade secret data about CenturyLink QC's operations to which the general public--including CenturyLink QC's current *and potential* competitors--do not have access. I will describe the data requested in each of these data requests below.

5. *MCC-001 Confidential Attachment B* includes very detailed capital expenditure data broken down by wire center and "investment reason" for all CenturyLink QC investment jobs for the years 2000-2014. Disclosure of this data would provide CenturyLink's competitors with a comprehensive view of the company's capital expenditures over time, by specific location and with the reason for the investment. Knowledge of this data would allow an existing or potential competitor to more effectively compete with CenturyLink for customers, and to target specific areas for expansion or upgrade of facilities. Knowledge of this data would allow a potential competitor to plan its own network infrastructure deployments to more effectively compete with CenturyLink for customers. Historically, the Commission has recognized this kind of data as warranting confidential treatment. Significantly, CenturyLink does not have any such detailed data about its current and potential competitors. Therefore, if the Commission were to deny protection of this data, it would confer a direct competitive advantage on CenturyLink's competitors.
6. *MCC-002 Confidential Attachments A, B, C and D* provide the specific addresses in Montana where CenturyLink QC has deployed Fiber to the Node ("FTTN"), Central Office COIP, Pair Bonding and Fiber to the Home ("FTTH") technologies as of 12-31-14. The Information in these attachments contains granular, location-specific data showing exactly where CenturyLink QC has upgraded its facilities using specific technologies. Knowledge of this address-specific data would allow an existing or potential competitor to more effectively compete with CenturyLink; empowering the competitor with information that would allow it to target specific customer locations for marketing initiatives or the expansion or upgrade of facilities. The Information in these attachments contains granular, address-specific

data about CenturyLink's investment in broadband capable infrastructure to which competitors do not have access. Historically, the Commission has recognized this kind of data as warranting confidential treatment. Significantly, CenturyLink does not have any such detailed data about its current and potential competitors. Therefore, if the Commission were to deny protection of this data, it would confer a direct competitive advantage on CenturyLink's competitors.

7. *MCC-003 Confidential Attachment A* provides the cellular tower addresses in the CenturyLink QC territory that are served by CenturyLink's Fiber to the Cell Tower initiative. The Information in this attachment provides granular, location-specific data showing where CenturyLink has deployed fiber to a cellular tower to serve a wireless carrier. CenturyLink QC today competes with many other carriers such as cable companies to provide these backhaul facilities to wireless providers. Knowledge of this geographically specific data would allow a potential competitor to more effectively compete with CenturyLink QC for wireless company backhaul business, and to target specific areas for expansion or upgrade of facilities to serve the backhaul needs of wireless carriers. Historically, the Commission has recognized this kind of data as warranting confidential treatment. Significantly, CenturyLink does not have any such detailed data about its current and potential competitors. Therefore, if the Commission were to deny protection of this data, it would confer a direct competitive advantage on CenturyLink's competitors.
8. *MCC-007 Confidential Attachment A* provides Living Unit data for each CenturyLink QC wire center in Montana, including (1) total Living Units, (2) Living Units served by CenturyLink QC voice and (3) the percentage of Living Units served with CenturyLink QC voice services. Thus, this data shows the exact level of CenturyLink QC voice market penetration in each wire center. Knowledge of this data would allow competitors to target specific wire centers and develop strategic and marketing plans based on the market penetration achieved by CenturyLink. The Commission has already found this data to be confidential. In Order No. 7324 in Docket No. 2013.11.78 (Issued January 22, 2014), the Commission granted a Protective Order for the exact same data for a previous year.
9. *MCC-008 Confidential Attachment A* provides the number of total switched access lines and the number of residential switched access lines by census block as of December 31, 2013, as contained in CenturyLink QC's mapping database. There are almost 20,000 census blocks in CenturyLink QC's Montana serving area. Thus, census blocks represent a very small geographical subset of each wire center, and individual census blocks often contain only a few (or no) access lines. Knowledge

of CenturyLink's access lines at such a detailed geographical level would allow an existing or potential competitor to more effectively compete with CenturyLink by targeting specific customer locations for marketing initiatives, or for expansion or upgrade of facilities. The Information in *MCC-008 Confidential Attachment A* contains granular geographic data about CenturyLink's customer locations to which competitors do not have access. Historically, the Commission has recognized this kind of data as warranting confidential treatment. Significantly, CenturyLink does not have any such detailed data about its current and potential competitors. Therefore, if the Commission were to deny protection of this data, it would confer a direct competitive advantage on CenturyLink's competitors.

10. *MCC-009 Confidential Exhibit 164* provides a filing made with the FCC that includes confidential data related to broadband and service quality results. Exhibit 164 contains detailed service quality data for specific outages and specific unfilled requests for services. Knowledge of this detailed service outage and unfilled service request data would allow an existing or potential competitor to more effectively compete with CenturyLink by targeting specific customer locations for marketing initiatives, or for expansion or upgrade of facilities. The Commission has previously granted protection for similar data in Docket N2014.4.38 (Order 7345).
11. *MCC-011 Confidential Attachments A and B* provide the Leadership Scorecards for every CenturyLink QC Montana exchange for 2013 and 2014. CenturyLink QC seeks protection from disclosure of these Leadership Scorecard reports because they contain very detailed operational metrics for each exchange. Specifically, the 2014 reports shows the following service quality data for each exchange:

| | |
|--|---|
| Consumer & Small Business POTS | % Provisioning Commitments Met % Repair Commitments Met Report Rate (3-5, 7-9) Report Rate (01-13) Delayed Service Orders Primary > 30 Days Total POTS Pending Facilities Total POTS Pending Facilities (Past Due) % 30 Day Repeat Repairs % OOS < 24 Hours POTS Consumer MTTR |
| Designed Services | Total DS Pending Facilities |
| Designed Services Critical Performance Metrics | % Failure Frequency (Company DS1, FGF, UNB_DS1) |
| Volume - Consumer & Small Business | Provisioning Orders |

POTS

| | |
|--|--|
| | Dispatched Prov Missed Commitments - Adjusted |
| | Dispatched Provisioning Orders - Adjusted |
| | Repair Missed Commitments |
| | Repair Tickets |
| | 30 Day Repeated Repairs |
| | Inward Line Orders (Small Bus and Consumer) |
| | OOS Cleared >= 24 Hours |
| | Out of Service Repair Tickets |
| | Provisioning Company Misses: Qualified CF |
| | POTS Dispatched Orders |
| Volume - Designed Services | In-Effect Circuits |
| | In-Effect Circuits (DSO, DS1, and ISDN_B only) |
| Volume - DS Critical Performance Metrics | Access Lines (DS1, FGF, UNB_DS1) |
| | Trouble Tickets (Company DS1, FGF, UNB_DS1) |

The 2013 reports shows the following service quality data for each exchange, and is limited to DSL:

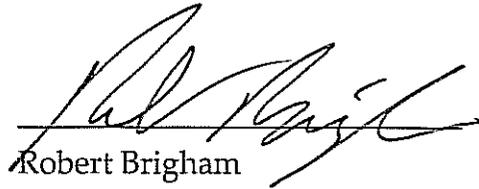
| | |
|---|--|
| Consumer & Small Business POTS | DSL % Provisioning Commitments Met |
| | DSL % Dispatched Prov Commitments Met |
| | % DSL Prov Missed (SOP) |
| | % DSL Prov Missed (Shipped) |
| | % DSL Prov Missed (Delivery) |
| | % DSL Prov Missed (Network) |
| Volume - Consumer & Small Business POTS | DSL Provisioning Missed Commitments |
| | DSL Provisioning Orders |
| | DSL Dispatched Prov Missed Commitments |
| | DSL Dispatched Prov Orders |
| | DSL Prov Missed Commitment (SOP) |
| | DSL Prov Missed Commitment (Shipped) |
| | DSL Prov Missed Commitment (Delivery) |
| | DSL Prov Missed Commitment (Network) |
| | 30 Day I Reports (disp to disp) |

Thus, the reports provide extremely granular detail regarding CenturyLink's service quality and performance in each exchange. CenturyLink protects its Leadership Scorecard reports from public disclosure because these reports contain highly detailed operational information for each exchange that is trade secret. Possession of these data would provide competitors, both current and potential,

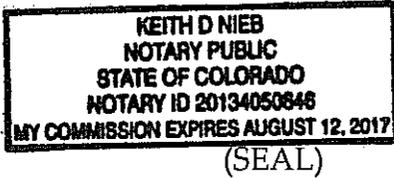
with knowledge of CenturyLink's network, operations and service quality metrics at a detailed geographic level. This information would provide these competitors with a distinct competitive advantage, allowing competitors to target marketing efforts to identified persons or groups of persons in identified geographic areas of the state, based on detailed knowledge of CenturyLink's performance. The Commission previously granted protection of service quality metric performance data by wire center in Order 7345 in Docket N2014.4.38 (May 20, 2014) and in Order 7345a in Dockets D2014.11.91 and N2014.4.38 (November 24, 2014). On January 26, 2015, CenturyLink filed a Motion for Protection of the same data (but for only three wire centers). The Commission has not ruled on this motion.

12. *MCC-014 Confidential Attachment A* provides a calculation by wire center of the estimated cost of replacing all analog carrier systems in each of 37 wire centers. This estimate reveals CenturyLink's estimate of the cost to serve CenturyLink's most remote customers in each wire center. Knowing CenturyLink's cost to replace the infrastructure used to serve these customers would aid potential competitors in determining whether or not to enter into competition with CenturyLink to serve these customers. Significantly, because CenturyLink lacks any such detailed data about its current and potential competitors, if the Commission were to deny protection of this data, it would confer a direct competitive advantage on CenturyLink's competitors.
13. Prior to filing the information, CenturyLink considered the constitutional presumption in favor of disclosing materials provided to the MPSC. Based on my experience and having fully considered the factual and legal bases required for the protection of confidential information, I have, with the assistance of qualified legal counsel, formed a good faith belief that the Information described in the accompanying Motion for a Protective Order is trade secrets that may be protected from public disclosure under the law.

Dated: March 6, 2015


Robert Brigham

SUBSCRIBED AND SWORN TO, before me, this 6th day of March, 2015.




Notary Public for the State of Colorado
Print Name: Keith D. Nies
Residing at: 1020 15th St, Denver CO 80202
My Commission Expires: 8-12-2017