

Service Date: February 8, 2001

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
QWEST CORPORATION, f/k/a U S WEST)	
Communications, Inc.'s Application for)	DOCKET NO. N2000.8.119
Generic Protective Order)	ORDER NO. 6270a

PROTECTIVE ORDER ON RECONSIDERATION

On August 11, 2000, U S West Communications, Inc., now Qwest Corporation (Qwest), filed an application before the Public Service Commission (PSC) for renewal and amendment of its generic protective order. Qwest's generic protective order governs access to certain types of information filed with the PSC through Qwest's routine filings, annual reports, responses to inquiries, and other instances which normally remain outside of a contested-case setting.

On September 20, 2000, the PSC granted Qwest's request in part, issuing a Protective Order, Order No. 6270, effective for four years. In that Protective Order the PSC denied protection for Qwest's central office access line and switch information (i.e., annual report schedule 23 and 24). The information appeared to be readily ascertainable by the public through Qwest's web site and therefore could not be protected as confidential. The PSC also determined that Qwest information pertaining to compensation for Qwest's top ten Montana-based employees (i.e., annual report schedule 27) is not protectible.

On October 12, 2000, Qwest filed for reconsideration of Order No. 6270. Qwest agrees that the information in schedule 23 columns "a," "b," and "n," and all of schedule 24 is public information, but argues that schedule 23 "c" through "l" remain confidential. Qwest has since agreed that the column totals in schedule 23 "c" through "l" are public information. The PSC agrees with Qwest and extends Order No. 6270 to schedule 23 columns "c" through "l", except for the column totals. Qwest argues that the schedule 27 information (employee compensation) remains confidential as it is constitutionally protected as private pursuant to Art. II, § 10, Mont. Const. The PSC agrees with Qwest and extends Order No. 6270 to Qwest's schedule 27 information.

Done and dated the 22nd day of August, 2000, by a vote of 3-2 on the issue of schedule 27 information, and the 9th day of January, 2001, by a vote of 5-0 on the schedule 23 information.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

GARY FELAND, Chairman

JAY STOVALL, Vice Chairman

BOB ANDERSON, Commissioner
(voting to dissent on schedule 27 information)

MATT BRAINARD, Commissioner

BOB ROWE, Commissioner
(voting to dissent on schedule 27 information)

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. Reconsideration of the denial of a protective order is allowed in accordance with ARM 38.2.4806.

