

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Illinois Bell Telephone Company)	
)	12-0155
Petition for Protective Order)	
)	

**COMMENTS OF COMCAST PHONE OF ILLINOIS, LLC D/B/A CIMCO, A DIVISION
OF COMCAST BUSINESS SERVICES D/B/A COMCAST DIGITAL PHONE AND
XO COMMUNICATIONS SERVICES, INC.**

Comcast Phone of Illinois, LLC d/b/a CIMCO, a division of Comcast Business Services d/b/a Comcast Digital Phone (“Comcast”) and XO Communications Services, Inc. (“XO”), by its attorneys, hereby provide the following Comments in support of AT&T Illinois’ (“AT&T’s”) request for five (5) year protection of its 2011 Annual Interconnection Report.

On March 1, 2012 AT&T filed a Petition for Protective Order in which it sought the customary five-year protection for its 2011 Annual Interconnection Report. In a March 8, 2012 Ruling the ALJ stated, in part:

Notice is hereby given by the Administrative Law Judge that Illinois Bell Telephone Company (“Petitioner”) shall file with the Chief Clerk of the Commission by March 19, 2012, a “Compliance Filing” explaining what specific harm Petitioner fears will occur and how that harm will occur if confidential treatment were granted for a period of two years rather than five years.

Subsequently, on March 19, 2012, AT&T filed a Compliance Filing in which it provided further information related to the confidential and proprietary nature of its 2011 Annual Interconnection Report and reasons why the customary five-year protection is warranted. On March 19, 2012 XO filed a Petition to Intervene in order to comment on the confidential period of AT&T’s 2011 Annual Interconnection Report. Comcast filed its Petition to Intervene on March 21, 2012. For

the reasons stated below, Comcast and XO support AT&T's request for five-year protection and requests that the Commission issue an order granting five-year protection.

I. AT&T's Compliance Filing Correctly Requests Five-Year Protection.

The information contained in the Interconnection Report includes basic information specifically related to a CLECs business plan: the identity of CLECs that purchase collocation, interconnection and unbundled network elements from AT&T; the location at which each interconnection occurs; and the total quantity of unbundled network elements that have been purchased by each CLEC.¹ Because AT&T Illinois' prices and the CLECs' prices are contained in tariffs, a competitor could use that information to largely determine a CLEC's cost structure. The Commission controls *when* the proprietary information becomes public and thus, to a great extent, *how useful* the confidential and proprietary information contained in the Interconnection Report will be to a CLEC's competitors once that data is released to the public.

The information and the level of detail contained in the Interconnection Report could give a competitor extensive information on a CLEC's method and footprint of providing service. For example, the types of network elements used by a CLEC, e.g., local UNE loops (EELs , dark fiber, HFPL and subloops), Local Wholesale Complete ("LWC") and in what proportions and location; or whether and to what extent the CLEC is using interoffice UNE transport or EELs, provides important information on a CLEC's business plan. That information can be then coupled with the location where the CLEC is providing service, e.g., where the CLEC is collocated in an AT&T Illinois central office, or has leased high capacity UNE loops. Thus, a competitor could use the information to extrapolate where a CLEC has a large number of high-

¹ AT&T Petition for Protective Order at ¶1.

volume business customer(s) or residential customers. The information could then be used to determine a CLEC's cost structure, and even areas where a CLEC is likely to expand into. The two year default time period of protection is simply not enough time to protect against the competitive misuse of the information contained in the Interconnection Report. The Commission should therefore maintain its previous practice related to protection of this type of sensitive information in granting five-year protection.

II. The Commission has previously determined that 5-year protection was warranted for the Annual Interconnection Reports filed between 2004 and 2010.

The Commission has consistently granted five-year protection for the Annual Interconnection Reports filed between 2004 and 2010.² In granting five-year protection in its 2011 Order the Commission stated:

In light of the competitive harm that both Petitioner and interconnected CLECs could experience if the Report is immediately made available to the public, the Commission finds that confidential treatment of the Report is warranted. Based on the information and arguments presented by Petitioner, the Commission also concludes that the confidential and proprietary information in the Report should be protected from public disclosure for a period of five years. Because the Commission has been giving greater thought to recent requests for confidential treatment, however, it may consider shorter periods of confidential treatment appropriate for future Reports if the record supports such a finding.³

Although the Commission stated it “may consider short periods . . . for future reports”, it clarified that it would only do so “if the record supports such a finding.”⁴ There is no such support in the record of this proceeding that would warrant deviating from the established five-year period. On the contrary, all parties to date have provided information in support of five-year protection.

² See AT&T Petition for Protective Order at p. 3; AT&T Compliance Filing at ¶4.

³ Order, Docket 11-0193 (March 23, 2011) at p. 2-3.

⁴ Id.

Conclusion

For the reasons stated above, Comcast and XO respectfully request that the Commission grant five-year protection to the confidential and proprietary information contained in AT&T's 2011 Annual Interconnection Report.

Dated: March 21, 2012

s/ Thomas H. Rowland

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CERTIFICATE OF SERVICE

I, Thomas H. Rowland, an attorney, certify that I served a copy of the Comments of Comcast Phone of Illinois, LLC d/b/a CIMCO, a division of Comcast Business Services d/b/a Comcast Digital Phone and XO Communications Services, Inc. to all parties on the service list maintained by the Commission via e-mail on March 21, 2012.

s/ Thomas H. Rowland

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