

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Illinois Bell Telephone Company	:	
d/b/a AT&T Illinois d/b/a AT&T Wholesale	:	15-0171
	:	
2014 Annual Interconnection Report Filing	:	
	:	

**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, LLC**

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, LLC (“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 2014 Annual Interconnection Report. Comcast and XO each filed Petitions to Intervene on March 11, 2015. The Administrative Law Judge granted those Petitions on March 20, 2015. For the reasons stated below, Comcast and XO support AT&T’s request for five-year protection and request that the Commission issue an order granting five-year protection.

On March 3, 2015 AT&T filed a Petition for Protective Order in which it sought the customary five-year protection for its 2014 Annual Interconnection Report. In its Petition, AT&T listed several reasons why five-year protection is warranted.¹ First, AT&T noted that Section 222 of the Federal Act requires carriers to protect the confidentiality of proprietary information related to other carriers.² Second, AT&T similarly notes that the interconnection agreements entered between AT&T and the Companies require carriers to treat proprietary

¹ Petition at pages 3-5.

² Id. at pages 3-4.

information in accordance with Section 222 of the Act.³ Third, AT&T noted that it provided notice to all affected carriers via accessible letter that confidential information would be included in AT&T's 2014 Interconnection Report.⁴ Finally, AT&T noted that the Commission has customarily granted five year protection of its Interconnection Reports submitted for the years 2004 through 2013. Comcast and XO support each of AT&T's listed reasons.⁵

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.⁶ Because AT&T Illinois' prices and the CLECs' prices are contained in tariffs, a competitor could use information contained in AT&T's Interconnection Report to largely determine a CLEC's cost structure.

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 could then be 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

³ Id. at page 4.

⁴ Id.

⁵ Id. at pages 4-5.

⁶ Id. at page 1.

competitor could use the information to extrapolate where a CLEC has a large number of high-volume business customer(s) or residential customers. The information could then be used to determine a CLEC's cost structure, and even areas into which a CLEC is likely to expand. 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 2014.

The Commission has consistently granted five-year protection for the Annual Interconnection Reports filed between 2004 and 2014.⁷ In granting five-year protection in its most recent Order (Docket 14-0161) the Commission stated:

In light of the competitive harm that both Petitioner and interconnected CLECs could experience if the 2013 Report is immediately made available to the public, the Commission finds that confidential treatment of the 2013 Report is warranted. Based on the information and arguments presented by Petitioner and Intervenors regarding the need to maintain the confidentiality of the information for a period of five years rather than two years, the Commission also concludes that the confidential and proprietary information in the 2013 Report should be protected from public disclosure for a period of five years.⁸

⁷ Id. at page 5.

⁸ Order, Docket 14-0161 (April 16, 2014) at pages 3-4.

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 2014 Annual Interconnection Report.

Dated: March 23, 2015

s/ Thomas H. Rowland
Thomas H. Rowland
Kevin D. Rhoda
Rowland & Moore LLP
200 West Superior Street, Suite 400
Chicago, Illinois 60654

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, LLC to all parties on the service list maintained by the Commission via e-mail on March 23, 2015.

s/ Thomas H. Rowland

Thomas H. Rowland
Rowland & Moore LLP
200 West Superior Street
Suite 400
Chicago, Illinois 60654