

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of US West Communi-) Application No. C-1830
cations, Inc., Denver, Colorado,)
filing its notice of intention to)
file its Section 271(c) application) MOTION DENIED
with the FCC and request for the)
the Commission to verify US West)
compliance with Section 271(c).) Entered: June 27, 2001

BY THE COMMISSION:

O P I N I O N S A N D F I N D I N G S

On June 18, 2001, AT&T filed a "Motion for Determination of Confidentiality Regarding Section 272" in this docket. As a result, the Commission held an oral argument on the motion in the Commission Hearing Room on June 27, 2001. Richard Wolters participated on behalf of AT&T and John Munn and Marie Schwartz participated on behalf of Qwest.

Upon review of the filings and the oral arguments made by both parties on this motion, the Commission is of the opinion and finds that the Motion for Determination of Confidentiality Regarding Section 272 should be denied. However, the Commission expects Qwest to continue providing such information to interested parties, even after 271 approval, when such parties have executed the necessary protective agreement. Furthermore, the Commission expects Mr. John Munn to file his promised affidavit on or before July 15, 2001, committing Qwest to such an arrangement.

Finally, the Commission reemphasizes for the record that the Commission, not the parties, makes the determination as to whether certain information will be afforded confidential treatment. While the Commission agrees with Qwest that the information in this particular case can be kept confidential, parties must demonstrate in the future that items identified as confidential are in fact items that warrant confidential treatment. As such, the burden to demonstrate the need for confidentiality treatment remains upon the party so requesting it.

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Motion for Determination of Confidentiality Regarding Section 272 is denied and the items at issue shall remain confidential.

IT IS FINALLY ORDERED that it is the Commission, not the parties, who will make the determination as to whether certain information will be afforded confidential treatment and that the burden to demonstrate the need for confidentiality treatment remains upon the party so requesting it.

MADE AND ENTERED at Lincoln, Nebraska, this 27th day of June, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Loquett Johnson

Ann C. Boyle

Paul Jensen

//s//Frank L. Landis

Mark J. Smith
Chairman

ATTEST:

Ad S. Pollak

Executive Director