

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the ) Application No. C-2328  
Petition of Sprint )  
Communications Company L.P. ) PROTECTIVE ORDER  
for arbitration of inter- )  
connection rates, terms, )  
conditions and related )  
arrangements with Qwest )  
Corporation. ) Entered: September 26, 2000

BY THE COMMISSION:

This matter comes before this Commission upon the Petition of Sprint Communications Company L.P. (Sprint) for arbitration of interconnection rates, terms, conditions and related arrangements with Qwest Corporation (Qwest) which was filed on June 21, 2000. Pursuant to Commission procedures, Sprint and Qwest have chosen an arbitrator, John Brownrigg, to hear the matter and have agreed to a procedural schedule for the arbitration.

On September 20, 2000, Sprint and Qwest filed a joint motion for issuance of a protective order in which they request the Commission to issue an order governing the use and disclosure of certain information. The parties stated that they anticipate that during the course of the arbitration proceeding, they may request each other to share or produce certain confidential information. The parties allege that such confidential information constitutes trade secret information as defined in Neb. Rev. Stat. § 57-502. In order to allow the parties to disclose to each other the confidential information, while preventing its unwarranted disclosure, they have agreed to a protective agreement which is attached to this order. The parties wish the Commission to enter an order approving their protective agreement.

The parties also anticipate that some of the confidential information may need to be submitted to the arbitrator, filed with the Commission or shared with the Commission staff. The parties consequently request that the Commission adopt certain applicable restrictions on the use and disclosure of the confidential information from the protective agreement. The parties did not suggest that the arbitrator, Commissioners, or staff need to sign the protective agreement, but request that the provisions of the protective agreement contained in paragraphs 1(a), 2, 5 and 7 be adopted through this order.

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

Although this Commission may withhold trade secret information from the public pursuant to Neb. Rev. Stat. § 84-712.05, we do not have written rules and regulations for the handling of trade secret information as defined by Neb. Rev. Stat. § 84-502. Rather, we review requests for protective agreements and orders on a case by case basis to ensure that we do not unduly restrict the accessibility of information.

Upon review of the filed joint motion for the issuance of a protective order, and the protective agreement proposed by the parties, the Commission finds these terms to be reasonable with regard to the production and treatment of confidential trade secret information submitted by the parties in this arbitration. The Commission further finds that paragraphs 1(a), 2, 5 and 7 of the protective agreement sets forth reasonable and appropriate procedures for the handling and treatment of confidential trade secret information that is submitted to the arbitrator, filed with the Commission or shared with Commission staff. Accordingly, the procedures set forth in those provisions shall apply to any such information that is provided or disclosed to the arbitrator, Commission or Commission staff during the course of these proceedings.

## O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the attached protective agreement is approved and the provisions thereof are adopted as set forth above.

IT IS FURTHER ORDERED that the joint motion for the issuance of a protective order, shall be and it is hereby granted.

IT IS FINALLY ORDERED that the conditions and procedures set forth in paragraphs 1(a), 2, 5 and 7 of the protective agreement shall be made applicable to confidential information filed with this Commission.

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MADE AND ENTERED at Lincoln, Nebraska, this 26th day of  
September, 2000.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Lowell Johnson*

*Gene C. Boyle*

*Tag Johnson*

//s//Frank E. Landis

//s//Daniel G. Urwiller

*Frank Landis*  
Chairman

ATTEST:

*And S. Pollock*  
Executive Director

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