tw telecom of arizona llc ("tw telecom") files the following reply in support of its Motion for Authorization to Redact Contract ("Motion").

Yesterday, November 23, 2009, AT&T produced the tw telecom contract amendment dated December 18, 2008 (the "Amendment") in redacted form to Qwest Corporation and thus to Qwest Communications Company LLC. The intrastate switched access rate information was not redacted from the Amendment. tw telecom recommends that Qwest take time to review the Amendment and judge whether the redacted portions of the Amendment are relevant. If the Amendment does not set an intrastate switched access rate that differs in any way from tw telecom’s filed intrastate tariff rate, then the remainder of
the Amendment is not relevant to the policy discussion advocated by Qwest. Put another way, if the Amendment rate is the tariff rate, then Qwest’s argument—that “the nominal contract rate for switched access is effectively discounted by other contract sections”—necessarily fails. Likewise, Qwest’s argument that “in those instances, the entire contract must be examined” also fails for the same reason. (That argument may fail for other reasons as well, but we need not address those arguments any further in this case.) Only party representatives who are signatories to the Protective Order in this docket are permitted to review the details of the highly confidential contracts. Thus, rebutting Qwest’s argument position on the merits in this reply is difficult. As a matter of procedure, however, it makes sense for Qwest to review the redacted document before challenging tw telecom’s request to redact proprietary information.

For the above reasons, tw telecom stands by its request for redaction of the Amendment. As Qwest concedes, the Amendment has been produced in complaint proceedings (under seal) in neighboring states in redacted form. Additionally, if the pertinent policy issues raised by these contracts is whether the access “rates are below tariff rate or above – or not in the range of tariff rates,” then production of the Amendment, with rate and terms unredacted, matches the inquiry. See Transcript of September 16, 2009 Procedural Conference pp. 18-19. Providing additional proprietary information about tw telecom customers, services and pricing (of products other than switched access) will not advance the Commission’s agenda in this docket. The intrastate switched access rate contained in the Amendment between tw telecom and AT&T is available for review in this docket by Commission Staff and those who have signed the Exhibit to the Protective Order.
I telcom renews its request for an order from the Hearing Officer permitting redaction of proprietary information in the Amendment unrelated to the rates, terms, or conditions of intrastate switched access services. Alternatively, I telcom asks that the burden of requesting unreacted information be placed on the party requesting the unreacted version after review of the redacted document at issue.

RESPECTFULLY SUBMITTED this 24th day of November 2009.

OSBORN MALEDON, P.A.

By

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ORIGINAL and fifteen (15) copies of the foregoing filed this 24th day of November, 2009 with:

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COPY of the foregoing hand-delivered this 24th day of November, 2009, to:

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