

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE  
THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350  
Internet Address: <http://www.dps.state.ny.us>

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June 26, 2000  
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Magalie Roman Salas, Secretary  
Federal Communications Commission  
The Portals  
445 Twelfth Street, S.W.  
Room TW - A 325  
Washington, DC 20554

RE: Common Carrier Bureau Request for Comment on Requests  
for Confidential Treatment of Wire Center Line Count  
Data, CC Docket No. 96-45/ DA 00-1068

Dear Secretary Salas:

The New York State Department of Public Service (NYDPS) submits this letter in response to the Common Carrier Bureau's request for comment in the above-captioned matter. The Bureau seeks comment on whether wire center line count data collected to administer the Commission's high cost universal service fund for non-rural carriers should be afforded confidential treatment. More specifically, the Bureau asks whether such data constitutes either trade secrets or commercial or financial information within the meaning of the Freedom of Information Act (5 U.S.C. 552). The Bureau also inquires whether such information is available from other sources, such as state commissions, and whether there is a compelling public interest in disclosing this data even if it were to be considered confidential.

The NYDPS currently collects monthly line count data at the switch level from the incumbent local exchange companies and several competitive local exchange companies operating in New York. This information, which can be aggregated to the wire center level, has not been afforded confidential treatment in New York, and is publicly available.

The treatment of this information does not warrant a different federal conclusion as the experience in New York has

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shown.<sup>1</sup> Both the public and competitive interests require the disclosure of this information to enable verification that federal high cost funds are appropriately calculated and disbursed. Petitioning carriers cannot show with specificity how the requested data conform to the definition of "trade secret" and how their competitive positions would be substantially harmed by disclosure of wire center level line count data. The Bureau and Commission should deny their requests for confidential treatment of this information, as we have done in New York.

Sincerely,



Lawrence G. Malone  
General Counsel  
Public Service Commission  
of the State of New York  
Three Empire State Plaza  
Albany, NY 12223-1350

cc: Sheryl Todd  
Accounting Policy Division  
(3 copies)

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<sup>1</sup> November 2, 1998 State of New York Department of Public Service Records Access Officer's letter denying AT&T's request that trade secret or confidential status be accorded its access line information.