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October 6, 2004

Mr. Jeffrey J. Carlisle
Chief, Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: AT&T's Objections to Verizon's October 4, 2004 Designation of Employees to Have Access to Confidential Information (WC Docket No. 04-313, CC Docket No. 01-338)

Dear Mr. Carlisle:

Pursuant to Paragraph 8 of the Commission's August 20, 2004 *Protective Order*,[1] AT&T Corp. ("AT&T") files this letter to object to several of Verizon's designations of employees to have access to Confidential Information in this proceeding.

The *Protective Order* provides that Confidential Information may be provided to In-House Counsel or employees of such counsel *only* if such employees are not involved in "competitive decisionmaking." *Protective Order* ¶ 2. "Competitive decisionmaking" is further defined as "advice and participation in any or all of the client's business decisions made in light of similar or corresponding information about a competitor." *Id*. Based on this limitation, certain employees designated by Verizon are not eligible to receive Confidential Information.

Specifically, AT&T objects to Verizon's designations[2] the following Verizon employees who will to have access to Confidential Information in this proceeding:

[1] Order, *Unbundled Access to Network Elements; Review of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, WC Docket No. 04-313, CC Docket No. 04-313, DA 04-2603, Appendices A & B (rel. Aug. 20, 2004) ("*Protective Order*").
[2] *See* Letter from Jennifer L. Hoh, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 04-313, CC Docket No. 01-338 (FCC filed October 4, 2004).

SIDLEY AUSTIN BROWN & WOOD LLP IS A DELAWARE LIMITED LIABILITY PARTNERSHIP PRACTICING IN AFFILIATION WITH OTHER SIDLEY AUSTIN BROWN & WOOD PARTNERSHIPS

- Michael E. Glover, a Verizon "Senior Vice President and Deputy General Counsel"
- Edward Shakin, a Verizon "Vice President and Associate General Counsel"
- Karen Zacharia, a Verizon "Vice President and Associate General Counsel"

The Commission's Policy and Programming Division ("PPD") has held that senior employees with positions nearly identical to these SBC employees are exactly the type of executives who can be expected to give "advice to inform business strategies or decisions," and, accordingly, should not be permitted access to competitively sensitive information filed with the Commission. *In the Matter of GTE Corp., Transferor and Bell Atlantic Corp., Transferee; For Consent to Transfer of Control*, 14 FCC Rcd. 3364 (1999). In that case, a protective order, like the *Protective Order* here, barred Sprint's in-house "Vice President, Federal Regulatory Affairs" and "Director, State Regulatory/East" from receiving Confidential Information. The PPD reasoned that "[g]iven their high positions within the company and the scope of federal and state regulation over the communications industry," disclosure of Confidential Information to such corporate officers "pose[d] an unacceptable opportunity for inadvertent disclosure." *Id*. For the same reasons, Confidential Information submitted in this proceeding should not be disclosed to Messrs. Glover and Shakin and Ms. Zacharia.

Respectfully submitted,

/s/ David S. Petron

cc: Attached Service List

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of October, 2004, I caused true and correct copies of the forgoing Objection of AT&T Corp. to Verizon's Designation of Employees to be served on all parties by mailing, postage prepaid to their addresses and by facsimile to the numbers listed on the attached service list.

Dated: October 6, 2004
Washington, D.C.

/s/ Peter M. Andros

Peter M. Andros

SERVICE LIST

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