



May 14, 2002

Ms. Marlene H. Dortch
FCC Secretary
Federal Communications Commission
The Portals
445 Twelfth Street S.W.
Washington, D.C. 20554

Attention: Common Carrier Bureau

RE: Cincinnati Bell Telephone Confidential Documents; Transmittal No. 773
Request for Confidential Treatment

Dear Ms. Dortch:

Cincinnati Bell Telephone (CBT) hereby submits a request for confidential treatment of cost support data filed in conjunction with Transmittal No. 773, which implements new rate elements for the customer option of changing the Common Language Location Identification CLLI for a customer to their Point-Of-Presence (POP).

Statement pursuant to 47 C.F.R 0.459(b)

(1) Identification of the specific information for which confidential treatment is sought.

CBT requests that the pages marked "Confidential" be treated on a confidential basis, pursuant to the Commission's decision in Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission, GC Docket 96-55, FCC 98-184, released August 4, 1998 (Confidential Information Order).

The attached document for which confidential treated is being requested contains commercially sensitive investment and expense information.

- (2) **Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission.**

CBT Tariff No. 35, Transmittal No. 773.

- (3) **Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.**

The detailed cost information provided by CBT displays a breakdown of capital costs (i.e. annual charge factors) and the installed costs (investment vendor cost).

- (4) **Explanation of the degree to which information concerns a service that is subject to competition; and**
- (5) **Explanation of how disclosure of the information could result in substantial competitive harm.**

If competitors were provided this information, it would permit determination of CBT's annual charge factors. These factors are used not only for the service in this filing, but for pricing other CBT services.

In addition, this material contains information that would enable a competitor to determine the cost of equipment to CBT from its vendor. This could harm CBT's relationship with that vendor and its ability to negotiate rates from that vendor. This could lead to higher costs to CBT and thus decrease CBT's ability to compete.

- (6) **Identification of any measures taken by the submitting party to prevent unauthorized disclosure; and**
- (7) **Justification of the period during which the submitting party asserts that material should not be available for public disclosure.**

This information has been maintained on a confidential basis within CBT and would not ordinarily be disclosed to parties outside the Company, as described in the attached Declaration of N. J. Mette. Company practices instruct employees not to disclose outside the company cost information such as that involved in this request.

- (8) **Justification of the period during which the submitting party asserts that material should not be available for public disclosure.**

The material must be held from public disclosure for an indefinite period. Confidential treatment must be afforded the materials as long as the costs in question would provide a basis for competitors to gain an insight into CBT's pricing decisions. CBT cannot determine at this time any date on which these costs would become obsolete for such a purpose.

CBT acknowledges that the Bureau is directed by the Commission's Confidential Information Order, at paras. 35-42, to routinely employ the standard protective order detailed in the Confidential Information Order for materials submitted under a request for confidential treatment unless complete confidentiality is requested. If any person (other than an agency employee working directly on the matter in connection with these documents are submitted) requests an inspection or requests a copy of the documents or any portion of them other than under the terms of an appropriate protective order, please give me sufficient notice prior to any such disclosure to allow CBT to pursue appropriate remedies to preserve the confidentiality of the information.

Any confidential information required to be reproduced under the terms of an appropriate order shall be maintained and made available for inspection at the following location:

Cincinnati Bell Telephone
Mike Bishop
201 East Fourth Street
Cincinnati, Ohio 45202

Sincerely,

/s/ Christopher S. Colwell

Christopher S. Colwell
Vice-President - Government Relations

Attachments