

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



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Application of Zayo Network Services, LLC for a Certificate of Public Convenience and Necessity to Provide Full Facilities-Based and Resold Competitive Local Exchange Service and Interexchange Service in California.

Application 25-08-006
(Filed August 1, 2025)

**MOTION OF ZAYO NETWORK SERVICES, LLC FOR LEAVE TO FILE
CONFIDENTIAL MATERIALS UNDER SEAL UNDER SEAL PURSUANT TO
PUBLIC UTILITIES CODE §583 AND GENERAL ORDER 66-D**

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Counsel for Zayo Network Services, LLC

Dated: October 9, 2025

**BEFORE THE PUBLIC UTILITIES
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I. INTRODUCTION

Pursuant to Rules 11.1 and 11.4 of the California Public Utilities Commission’s (“CPUC or Commission”) Rules of Practice and Procedure (“Rules”), Zayo Network Services, LLC (“Applicant”), requests that the Commission afford confidential treatment to certain information submitted in the Response to Administrative Law Judge Inquiry (the “Response”) filed in response to the inquiry of assigned Administrative Law Judge (“ALJ”) Paula Gruendling during the September 29, 2025 prehearing conference held in the above-captioned proceeding (the “Inquiry”). Specifically, Applicant requests confidential treatment for certain portions of the response to question 1 of the Inquiry (the “Inquiry 1 Response”) and **Confidential Exhibits J, L, N, O, P, Q, and R** (the “Confidential Exhibits,” and together with the portions of the Inquiry 1 Response marked as confidential, the “Confidential Information”). Portions of the Inquiry 1 Response that have been marked as confidential include additional details of the matters in connection with the Statement of Exceptions provided with the above-captioned Application, while the Confidential Exhibits provide documentation regarding such Exceptions.

II. APPLICABLE LAW

California Public Utilities Code Section 583, General Order (“GO”) 66-D, and Commission Decision (“D.”) 16-08-024, as modified by D.17-05-035, govern the confidentiality of information submitted to the Commission, and describe the process for seeking confidential treatment of information submitted to the Commission. In a formal proceeding, the information submitter must file a motion seeking confidential treatment pursuant to Rule 11.4.¹ The requirements of Section 3.2 of GO 66-D do not apply when a party in a formal proceeding files information in the docket.²

III. BASIS FOR CONFIDENTIAL TREATMENT

In support of the Response filed in the above-captioned proceeding, Applicant submits the Confidential Information under seal and requests that the Commission issue a ruling designating these materials as confidential and grant Applicant leave to file under seal. Pursuant to Gov. Code § 7922.000, the Commission should find that the Confidential Information should be maintained as confidential because the public interest in nondisclosure clearly outweighs the public interest in disclosure. Here, the public interest in nondisclosure for is that disclosure of the Confidential Information will reveal Applicant’s confidential internal processes or decision-making processes. In the competitive telecommunications market, knowledge of a competitor’s proprietary business information and financial information (which is presumptively confidential pursuant to D.24-11-003) could be used to obtain an unfair business advantage. The Confidential Information also may reveal information regarding ongoing investigations and confidential settlement negotiations and strategy. Specifically, in the Inquiry 1 Response and Confidential Exhibits:

¹ General Order 66-D, Section 3.3.

² *Id.*

- Portions of the discussion of Exception 1 are confidential because they contain information regarding Zayo Group LLC's ("Zayo Group") contracts and related decision-making processes regarding its circuits as well as an ongoing investigation and settlement discussions.
- Portions of the discussion of Exception 6 are confidential because they involve the settlement strategy related to the Consent Assessment of Civil Penalty with the Commonwealth of Pennsylvania (the "Consent Assessment"), and **Confidential Exhibit J** contains the Consent Assessment itself. To Applicant's knowledge, the detailed information and Confidential Exhibit J have not otherwise been made public by Zayo Group.
- Portions of the discussion of Exception 7 are confidential because they discuss an ongoing investigation and internal and decision-making processes.
- Portions of the discussion of Exception 9 are confidential because if revealed they would reveal confidential internal business processes, and **Confidential Exhibit L** provides a related confidential internal documentation that is confidential for the same reason.
- Portions of the discussion of Exception 10 as well as **Confidential Exhibits N and O** are confidential because they contain confidential internal processes and financial information.
- Portions of the discussion of Exception 11 as well as **Confidential Exhibits N and O** are confidential because they contain confidential internal processes and financial information.

While the information provided may assist the Commission in its review of the merits of the Application, the general public has no direct or substantive interest in the Confidential Information especially as the information concerns private businesses. While the public always has an interest in disclosure of records relating to the conduct of the government's business, the

substantial benefits from nondisclosure of information concerning the internal processes of a private business clearly outweighs any public interest in its disclosure.

IV. CONCLUSION

The Commission may order confidential information submitted to the Commission to be sealed and not open to public inspection.³ By the requested confidential treatment, Applicant seeks to preserve the confidential nature of this information. Applicant submits that sufficient good cause exists for the Commission to apply the protective mechanisms set forth in G.O. 66-D to the Confidential Information. Therefore, Applicant respectfully requests that the Commission grant the confidential treatment of this Confidential Information for a period of not less than three (3) years from the date of filing.

³ See Section 583 of the Public Utilities Code and General Order No. 66-D.

Dated at San Francisco, California this 9th day of October, 2025.

Respectfully submitted,

/s/ Pejman Moshfegh

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(Filed August 1, 2025)

**[PROPOSED] RULING GRANTING MOTION OF ZAYO NETWORK SERVICES, LLC
FOR LEAVE TO FILE CONFIDENTIAL MATERIALS UNDER SEAL**

On October 9, 2025, Zayo Network Services, LLC (“Applicant”) filed for a Certificate of Public Convenience and Necessity to Provide Full Facilities-Based and Resold Competitive Local Exchange Service and Interexchange Service in California. Pursuant to the inquiry of assigned Administrative Law Judge (“ALJ”) Paula Gruendling during the September 29, 2025 prehearing conference held in the above-captioned proceeding (the “Inquiry”), Applicant submitted the additional information in a Response to Administrative Law Judge Inquiry on October 9, 2025 (the “Response”). Also on October 9, 2025, Applicant submitted a Motion for Leave to File Confidential Materials Under Seal in accordance with California Public Utilities Code Section 583, Rule 11.4 of the Commission’s Rules of Practice and Procedure, and the Commission’s General Order 66-D (“G.O. 66-D”) to protect from public disclosure for a period of not less than three years from the date of filing designated confidential certain portions of the response to question 1 of the Inquiry (the “Inquiry 1 Response”) and **Confidential Exhibits J, L, N, O, P, Q, and R** (the “Confidential Exhibits,” and together with the confidential portions of the Inquiry 1 Response, the “Confidential Information”). Portions of the Inquiry 1 Response that have been marked as confidential include additional details of the matters identified, or that should have been

identified, in the Statement of Exceptions provided with the above-captioned Application, while the Confidential Exhibits provide documentation regarding such Exceptions.

No responses to Applicant's motion have been filed.

Upon due consideration of Applicants' motion, it is concluded that said motion is reasonable. Accordingly, the Confidential Information that Applicant submitted will be accepted for filing under seal and will remain separate from the remainder of the Response. For three (3) years from the date of Applicant's motion, no information contained in the Confidential Information shall be released to persons or parties outside the Commission, except pursuant to further order of the Commission.

IT IS ORDERED that:

1. Applicant's Motion for Leave to File Confidential Materials Under Seal is granted.
2. The Confidential Information is accepted for filing under seal, separate from the remainder of the Response.
3. For a period of not less than three (3) years from the date of filing, the Confidential Information shall not be released to persons or parties outside of the Commission, except pursuant to further order of the Commission.

This Order is effective today.

Dated _____, 2025, at San Francisco, California.

By: _____