

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for arbitration of unresolved issues resulting from negotiations with Sprint-Florida, Incorporated for interconnection agreement, by AT&T Communications of the Southern States, LLC d/b/a AT&T and TCG South Florida.

DOCKET NO. 030296-TP  
ORDER NO. PSC-03-1019-CFO-TP  
ISSUED: September 12, 2003

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION OF  
DOCUMENT NOS. 06922-03, 07030-03, 07077-03 AND 08220-03

On March 24, 2003, AT&T Communications of the Southern States, LLC and TCG South Florida (AT&T) filed a petition pursuant to Section 252(b)(1) of the Telecommunications Act of 1996 (the Act) for arbitration of unresolved issues relating to AT&T's negotiations with Sprint-Florida, Incorporated (Sprint) for an interconnection agreement. On April 21, 2003, Sprint filed its response. Pursuant to Section 252(b) of the Act, this matter is set for hearing on September 18 and 19, 2003.

August 20, 2003 Request for Confidential Classification

On July 30, 2003 Sprint filed a Notice of Intent to Request Confidential Classification of documents filed in response to Staff's First Request for Interrogatories, Document No. 06922-03. On August 20, 2003, Sprint filed a Request for Confidential Classification of those documents, pursuant to the requirements of Rule 25-22.006, Florida Administrative Code. Specifically, Sprint requests confidential classification for:

- Attachment 1 to Sprint's response to Interrogatory No. 3.
- Attachment 2 to Sprint's response to Interrogatory No. 9.
- Highlighted information in Sprint's response to Interrogatory No. 18.
- Highlighted information in Sprint's response to Interrogatory No. 21.

Sprint states that the information for which the Request is submitted is competitively sensitive information relating to Sprint's and its wholesale customer's (AT&T's) exchange of traffic, disclosure of which will impair Sprint's and AT&T's competitive business interests. Specific justification for the confidential treatment is set forth in Attachment A.

DOCUMENT NUMBER-DATE

08630 SEP 12 8

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August 22, 2003 Request for Confidential Classification

In addition, on August 1, 2003, Sprint filed a Notice of Intent to Request Confidential Classification of additional documents filed in response to Staff's First Request for Interrogatories and First Request for Production of Documents (PODs), Document No. 07030-03. On August 22, 2003, Sprint filed a Request for Confidential Classification of those documents, pursuant to the requirements of Rule 25-22.006, Florida Administrative Code. The additional documents are:

- Highlighted information in Sprint's response to Interrogatory No. 27.
- Attachments a, b, c, and d to Sprint's response to POD No. 12.

Sprint states that the information for which the Request is submitted is competitively sensitive information relating to Sprint's and its wholesale customer's (AT&T's) exchange of traffic, disclosure of which will impair Sprint's and AT&T's competitive business interests. A line-by-line justification for the confidential treatment is set forth in Attachment B.

August 25, 2003 Request for Confidential Classification

Further, on August 4, 2003, Sprint filed a Notice of Intent to Request Confidential Classification for Attachment 1 to Sprint's response to AT&T's Interrogatory No. 5, Document No. 07077-03. On August 25, 2003, Sprint filed a Request for Confidential Classification of those documents, pursuant to the requirements of Rule 25-22.006, Florida Administrative Code.

Sprint states that the information contained in this attachment is information detailing location and name of various Sprint and AT&T facilities and was developed or acquired in the context of the implementation of Sprint and AT&T's interconnection agreement. The information relates to the competitive interest of Sprint or Sprint's wholesale customer, AT&T, the disclosure of which would impair Sprint's or AT&T's competitive business.

September 3, 2003 Request for Confidential Classification

On September 3, 2003, Sprint requested confidential classification for the entire Revised Attachment 1, to Sprint's Supplemental Response to Staff's First Set of Interrogatories, No. 3b, Document No. 08220-03. Sprint states that the information for which the request is submitted is competitively sensitive information relating to the competitive interests of Sprint or Sprint's wholesale customers, the disclosure of which would impair Sprint's or its wholesale customers' competitive business.

Public Records Requirement and Exemptions

Florida law presumes that documents submitted to governmental agencies shall be public records. The only exceptions to this presumption are the specific statutory exemptions provided in

the law and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. This presumption is based on the concept that government should operate in the “sunshine.”

Rule 25-22.006(4)(c), Florida Administrative Code, provides that it is the Company’s burden to demonstrate that the documents fall into one of the statutory examples set out in Section 364.183, Florida Statutes, or to demonstrate that the information is proprietary confidential information, the disclosure of which will cause the company or its ratepayers harm.

Section 364.183(3), Florida Statutes, in pertinent part, provides:

The term “proprietary confidential business information” means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person’s or company’s business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public.

Sprint has stated that the information for which it requests confidential classification has not been publicly released. Furthermore, Sprint states that the release of the information could impair Sprint’s or its wholesale customers’ competitive business interests.

### Decision

Based on the definition of proprietary confidential business information in Section 364.183(3), Florida Statutes, it appears that the material described herein is proprietary business information in accordance with Section 364.183(e), Florida Statutes, and Rule 25-22.006, Florida Administrative Code, as disclosure of this information, which relates to competitive interests, would impair the competitive business of the provider of the information. As such, Sprint’s Requests for Confidential Classification of Document Nos. 06922-03, 07030-03, and 07077-03 are hereby granted.

Based on the foregoing, it is

ORDERED by Charles M. Davidson, as Prehearing Officer, that Sprint’s Requests for Confidential Classification of Document Nos. 06922-03 and 07030-03 as set forth in Attachments A and B, which are attached and incorporated herein, are hereby granted. It is further

ORDERED that Sprint’s Request for Confidential Classification of Document Nos. 07077-03 and 08220-03 is hereby granted for the reasons stated in the body of this Order. It is further

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ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the confidentiality granted to the material specified herein shall expire eighteen (18) months from the date of the issuance of this Order, in the absence of a renewed request for confidentiality pursuant to Section 364.183, Florida Statutes. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Commissioner Charles M. Davidson, as Prehearing Officer, this 12th Day of September, 2003.

  
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CHARLES M. DAVIDSON  
Commissioner and Prehearing Officer

( S E A L )

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission

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Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.