

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition by Verizon Florida Inc. to reform intrastate network access and basic local telecommunications rates in accordance with Section 364.164, Florida Statutes.

DOCKET NO. 030867-TL

In re: Petition by Sprint-Florida, Incorporated to reduce intrastate switched network access rates to interstate parity in revenue-neutral manner pursuant to Section 364.164(1), Florida Statutes.

DOCKET NO. 030868-TL

In re: Petition for implementation of Section 364.164, Florida Statutes, by rebalancing rates in a revenue-neutral manner through decreases in intrastate switched access charges with offsetting rate adjustments for basic services, by BellSouth Telecommunications, Inc.

DOCKET NO. 030869-TL

In re: Flow-through of LEC switched access reductions by IXCs, pursuant to Section 364.163(2), Florida Statutes.

DOCKET NO. 030961-TI
ORDER NO. PSC-04-0239-CFO-TL
ISSUED: March 3, 2004

ORDER GRANTING SPRINT'S REQUESTS FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NOS. 12155-03, 11499-03, 12608-03,
11885-03, 12514-03, 11531-03, 11794-03 and Cross-Referenced Hearing Exhibits 41 and 43)

On December 1, 2003, Sprint-Florida, Incorporated (Sprint) filed a Request for Confidential Classification. In its request, Sprint seeks confidential treatment of certain documents contained in Sprint's Supplemental Answers to Staff's Interrogatories Nos. 33 and 34 and its Supplemental Response to Production of Documents Request No. 15 (Document No. 12155-03 and cross-referenced with Hearing Exhibit 41)(See Attachment A to this Order). Thereafter, on December 5, 2003, Sprint filed a Request for Confidential Classification of certain information in Sprint's Response to Staff's 6th Set of Interrogatories Nos. 96 and 97(Document No. 11499-03 and cross-referenced with Hearing Exhibit 43)(See Attachment B to this Order). On December 8, 2003, Sprint filed two Requests for Confidential Classification: one for Sprint's Supplemental and Second Supplemental Answers to Citizens' Second Set of Interrogatories Nos. 27-29 (Document No. 12608-03 and cross-referenced Document No. 11885-03 and Hearing Exhibit 41)(See Attachment C to this Order), and one for its Supplemental Answers to Citizens' Interrogatories Nos. 50(a) and (b) (Document No. 12514-03 and cross-referenced Document No. 11531-03 and Hearing Exhibit 41)(See Attachment D to this Order). Subsequently, on

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

December 11, 2003, Sprint filed a Request for Confidential Classification of its Answers to Staff's Third Set of Interrogatories Nos. 66 and 67, and in the attachment to its response to Interrogatory No. 59 (Document No. 11794-03 and cross-referenced with Hearing Exhibit No. 41)(See Attachment E to this Order). Attachments A through E are attached hereto and incorporated herein.

Sprint contends that that the information for which these requests are submitted is trade secret or other highly proprietary competitive or valuable information, and thus, meets the definition of confidential proprietary business information pursuant to Section 364.183(3), Florida Statutes. Sprint asserts that this information has not been publicly released and that release of the information could impair the company's competitive interests. Sprint also contends that release of the information could impair the company's ability to compete for, or negotiate with, certain business customers.

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.

Based on the definition of proprietary confidential business information in Section 364.183(3), Florida Statutes, it appears that the material described in Attachments A through E is proprietary business information in accordance with Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. Disclosure of this information would harm Sprint's competitive business interests and unfairly impair its ability to compete. As such, Sprint's Requests for Confidential Classification identified herein are hereby granted.

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Based on the foregoing, it is

ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that Sprint-Florida, Incorporated's Requests for Confidential Classification, as set forth in the body of this Order and also in Attachments A through E, which are incorporated herein by reference, are hereby granted. It is further

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 Rudolph "Rudy" Bradley, as Prehearing Officer, this
3rd day of March, 2004.



RUDOLPH "RUDY" BRADLEY
Commissioner and Prehearing Officer

(SEAL)

BK

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.

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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, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 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.

ATTACHMENT A

Document and Page and Line Numbers	Justification for Confidential Treatment
a. Sprint's Supplemental Answer to Staff's Interrogatories Nos. 33 and 34 and Its Supplemental Response to Request No. 15, Columns D-H.	Contains information concerning Sprint's cost to provide competitive services, disclosure of which will harm Sprint's competitive business interests (s. 364.183(3) (e), F.S.)

ATTACHMENT A

Document and Page and Line Numbers	Justification for Confidential Treatment
a. <i>Sprint-Florida's Answer to Staff's Sixth Set of Interrogatories Nos. 96 and 97; the highlighted revenue amounts for Vertical Features, IntraLATA Toll and Bundled Basic Local Service, Vertical Features and IntraLATA Toll</i>	These revenue amounts reflect the fruits of Sprint-Florida's marketing efforts, and their disclosure would provide Sprint-Florida's competitors with highly valuable marketing information at no expense to them and would seriously harm Sprint-Florida's ability to compete in this market.

ATTACHMENT A

Document and Page and Line Numbers	Justification for Confidential Treatment
a. Sprint's Supplemental Answers to Citizens' Interrogatories Nos. 27-29, Columns C-I, lines 5-6, 8-9, 11-29, 31, 33-37, 39-40, 42-48, and the second page titled "Residential," all columns, lines "2002" and "YTD 9/2003." b. Sprint's Second Supplemental Answers to Citizens' Interrogatories Nos. 27-29, "Business Mass Market," all columns, lines "2002" and "YTD 9/2003."	The information contained in these documents reflects highly confidential usage and revenue information for Sprint-Florida, Inc. and Sprint Communications Company L.P., the disclosure of which would harm these companies' ability to compete in the highly competitive Florida intrastate (intraLATA and interLATA) long distance markets.

ATTACHMENT A

Document and Page and Line Numbers	Justification for Confidential Treatment
a. Sprint's Supplemental Answer to Citizens' Interrogatories Nos. 50 a) and b), Columns C-F, lines 8 through 154, and Columns C-E, lines 6 through 141	These documents contain disaggregated information identifying by wire-center and CLii code the number and type of access lines provided to business and residential customers by Sprint-Florida's competitors. Disclosure of this information would harm Sprint-Florida and its competitors and their ability to compete in that it will provide other competitors with "cost-free" marketing and provisioning information.

ATTACHMENT A

Document and Page and Line Numbers	Justification for Confidential Treatment
Attachment to Interrogatory No. 59, column E, lines 1-14	Contains information concerning Sprint's cost to provide competitive services, disclosure of which will harm Sprint's competitive business interests (s. 364.183(3) (e), F.S.)
Interrogatory No. 66, highlighted information	Contains information concerning Sprint's cost to provide competitive services, disclosure of which will harm Sprint's competitive business interests (s. 364.183(3) (e), F.S.)
Interrogatory No. 67, highlighted information	Contains information concerning Sprint's cost to provide competitive services, disclosure of which will harm Sprint's competitive business interests (s. 364.183(3) (e), F.S.)