

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.

DOCKET NO. 981834-TP

In re: Petition of ACI Corp. d/b/a Accelerated Connections, Inc. for generic investigation to ensure that BellSouth Telecommunications, Inc., Sprint-Florida, Incorporated, and GTE Florida Incorporated comply with obligation to provide alternative local exchange carriers with flexible, timely, and cost-efficient physical collocation.

DOCKET NO. 990321-TP
ORDER NO. PSC-04-0436-CFO-TP
ISSUED: April 28, 2004

ORDER GRANTING SPRINT'S REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
DOCUMENT NO. 02514-03

By Proposed Agency Action Order No. PSC-99-1744-PAA-TP, issued September 7, 1999, we adopted a set of procedures and guidelines for collocation, focused largely on those situations in which an incumbent local exchange company (ILEC) believes there is no space for physical collocation. Thereafter, we conducted a hearing to further address collocation guidelines. By Order No. PSC-00-2190-PCO-TP, issued November 17, 2000, various motions for reconsideration and/or clarification of our post-hearing decision regarding collocation guidelines were addressed by the Commission. By that Order, these Dockets were left open to address the remaining issues associated with collocation, including pricing.

By Order No. PSC-03-1358-FOF-TP, issued November 26, 2003, we resolved a number of outstanding technical and policy issues regarding collocation. An administrative hearing was held January 28-30, 2004, on the remaining pricing issues.

On April 15, 2004, Sprint filed a request for confidential classification. In its request, Sprint seeks confidential classification of specified information contained in its responses to AT&T's First Request for Production of Documents (Nos. 9, 14, and 22). Attachment A contains an explanation of the proprietary information along with a list identifying the location of the information designated by Sprint as confidential.

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

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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 herein 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 give its competitors an artificial competitive advantage, allowing them to successfully compete against Sprint without the usual market trial and error. As such, Sprint's Request for Confidential Classification of Document No. 02514-03 is hereby granted.

Based on the foregoing, it is


ORDERED by J. Terry Deason, as Prehearing Officer, that Sprint-Florida, Inc.'s Request for Confidential Classification of Document No. 02514-03, as set forth in Attachment A, which is attached and incorporated herein, is hereby granted. It is further

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

ORDER NO. PSC-04-0436-GFO-TP
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By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 28th day of April, 2004.


J. TERRY DEASON
Commissioner and Prehearing Officer

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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, 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 |
|---|--|
| Sprint's Response to AT&T's POD No. 9 – entire document | This information is RS Means data. RS Means is a proprietary data base, which Sprint is required to keep confidential pursuant to the terms of Sprint's use of such information. Disclosure of the information would impair the efforts of Sprint or its affiliates to contract for goods or services on favorable terms. s. 364.183(3)(d), F.S. |
| Sprint's Response to AT&T's POD No. 14 – entire document | This information is vendor-specific pricing information containing a price quote for power plant equipment, engineering and installation, the disclosure of which would impair the efforts of Sprint or its affiliates to contract for goods or services on favorable terms. s. 364.183 (3)(d), F.S. |
| Sprint's Response to AT&T's POD No. 22 – entire document. | This information is vendor-specific pricing information containing vendor prices for collocation equipment the disclosure of which would impair the efforts of Sprint or its affiliates to contract for goods or services on favorable terms. s. 364.183(3)(d), F.S. |