

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition to recover 2005 tropical system related costs and expenses, by Embarq Florida, Inc.

DOCKET NO. 060644-TL
ORDER NO. PSC-07-0230-CFO-TL
ISSUED: March 13, 2007

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF DOCUMENT NOS. 10437-06, 11799-06, 11883-06, AND 00078-07

On January 25, 2007, Embarq Florida, Inc. (Embarq) filed a request for confidential classification. In its request, Embarq seeks confidential classification of certain documents used at hearing:

- 1) Embarq's Response to Staff's Request for Production of Documents No. 2 (Document No. 10437-06 - Claim of Confidentiality filed 11/13/06) included in Hearing Exhibit No. 9.
- 2) Attachment to Embarq's Response to Staff's Interrogatory No. 53 (Document No. 11799-06 - Claim of Confidentiality filed 12/27/06) included in Hearing Exhibit No. 9.
- 3) Kent W. Dickerson's Late-filed Deposition Exhibit No 2 (Document No. 11883-06 - Claim of Confidentiality filed 12/29/06) included in Hearing Exhibit No. 5.
- 4) Embarq's Response to Audit Response No. 17.1 (Document No. 00078-07 - Claim of Confidentiality filed 1/3/07) included in Hearing Exhibit No. 6.

Embarq asserts that it treats this information as confidential and that it has not otherwise been released. Embarq also states that the information includes projected access line counts; the location, type, and prices of Embarq's facilities. Attachment A, attached hereto and incorporated herein, contains a detailed justification of the confidentiality of the information at issue.

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.

DOCUMENT NUMBER-DATE

02244 MAR 13 5

FPSC-COMMISSION CLERK

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 could harm Embarq’s competitive interests. As such, Embarq’s Request for Confidential Classification of Document Nos. 10437-06, 11799-06, 11883-06, and 00078-07 is hereby granted.

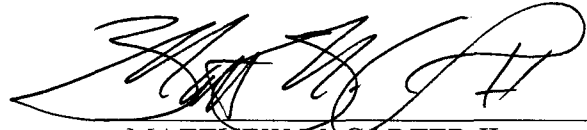
Based on the foregoing, it is

ORDERED by Commissioner Matthew M. Carter II, as Prehearing Officer, that Embarq Florida Inc.’s Request for Confidential Classification of Document Nos. 10437-06, 11799-06, 11883-06, and 00078-07 is 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 documents 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.

By ORDER of Commissioner Matthew M. Carter II, as Prehearing Officer, this 13th
day of March, 2007.



MATTHEW M. CARTER II
Commissioner and Prehearing Officer

(S E A L)

JKF

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 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 No. and Description	Location of Confidential Information	Justification for Confidential Treatment
10437-06 Embarq's Response to Staff's POD No. 2 (included in Hearing Exhibit No. 9)	Entire Document	This information depicts the location and type of Embarq's facilities. This information is information relating to Embarq's competitive interests, the disclosure of which would impair the competitive business of Embarq. In addition, protection of the location and type of Embarq's facilities is necessary to protect Embarq's security interests. (s. 364.183(3)(c) and (e), F.S.)
11799-06 Embarq's Response to Staff's Interrogatory No. 53 (included in Hearing Exhibit No. 9)	Highlighted information in the 2 nd , 4 th , 5 th and 7 th columns	This information includes Embarq's projected retail access line counts. This information is information relating to Embarq's competitive interests, the disclosure of which would impair the competitive business of Embarq. (s. 364.183(3)(e), F.S.)

<p>11883-06 KWD Late-filed Deposition Exhibit No. 2 (included in Hearing Exhibit No. 5)</p>	<p>Highlighted information in the 2nd, 3rd, 4th, 5th, 6th and 7th columns</p>	<p>This information includes Embarq's projected retail access line counts. This information is information relating to Embarq's competitive interests, the disclosure of which would impair the competitive business of Embarq. (s. 364.183(3)(e), F.S.)</p>
<p>00078-07 Embarq's Response to Audit Request No. 17.1 (included in Hearing Exhibit No. 6)</p>	<p>Entire document</p>	<p>This information is information concerning the type and prices of Embarq's facilities. This information is information relating to Embarq's competitive interests, the disclosure of which would impair the competitive business of Embarq. In addition, information concerning the prices is contractual information the disclosure of which would impair Embarq's ability to contract for goods or services on favorable terms (s. 364.183(3)(d) and (e), F.S.)</p>