

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into  
pricing of unbundled network  
elements.

DOCKET NO. 990649-TP  
ORDER NO. PSC-99-2252-CFO-TP  
ISSUED: November 18, 1999

ORDER GRANTING REQUEST FOR  
CONFIDENTIAL TREATMENT OF DOCUMENT NO. 09582-99

This docket was opened to address the deaveraged pricing of Unbundled Network Elements (UNEs), as well as the pricing of UNE combinations and nonrecurring charges. By Order No. PSC-99-1397-PCO-TP, issued July 20, 1999, the procedures and schedules for this docket were established. On August 11, 1999, Sprint-Florida Incorporated and Sprint Communications Company Limited Partnership (Sprint or the Company) filed the direct testimony of Kent W. Dickerson with Exhibits KWD-1 through KWD-5, redacted version of Exhibits KWD-6 through KWD-9, and its Request for Confidential Classification of Exhibits KWD-6 through KWD-9, Document No. 09582-99.

According to Sprint, the subject exhibits contain vendor-specific pricing information, or information from which such information could be derived. Sprint maintains that this information has not been publicly released. Thus, Sprint states that these exhibits meet the definition of confidential proprietary business information pursuant to Section 364.183(3)(a)(d) and (e), Florida Statutes. Additionally, Sprint asserts that it is required by contract to keep the information confidential, and that the release of the information could impair its efforts to contract on favorable terms, thereby causing harm to its business operations.

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 utility's burden to demonstrate that the documents fall into one of the statutory exemptions set out in Section 364.183, Florida Statutes, or to demonstrate that the information is proprietary

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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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 information for which Sprint seeks confidential classification is information that, if disclosed, could impair Sprint's efforts to contract for goods or services on favorable terms and would impair Sprint's competitive business. Thus, this information qualifies as proprietary business information under Section 364.183, Florida Statutes. It shall, therefore, be granted confidential treatment.

Based on the foregoing, it is therefore

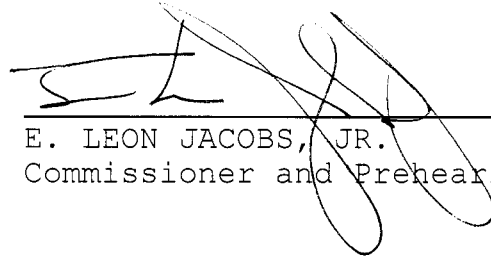
ORDERED by E. Leon Jacobs, Jr., as Prehearing Officer, that the request by Sprint-Florida In for confidential treatment of information in Document No. 09582-99 is granted.

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.

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By ORDER of Commissioner E. Leon Jacobs, Jr., as Prehearing  
Officer, this 18th day of November, 1999.



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E. LEON JACOBS, JR.  
Commissioner and Prehearing Officer

( S E A L )

DMC

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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 Records and Reporting, 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.

M E M O R A N D U M

November 17, 1999

✓  
RECEIVED-PPSC

99 NOV 17 PM 2:23

RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING  
FROM: DIVISION OF LEGAL SERVICES (CLEMONS) *gmc JK*  
RE: DOCKET NO. 990649-TP - INVESTIGATION INTO PRICING OF  
UNBUNDLED NETWORK ELEMENTS.

*2252-cfo*

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Attached is an ORDER GRANTING REQUEST FOR CONFIDENTIAL  
TREATMENT OF DOCUMENT NO. 09582-99 to be issued in the above-  
referenced docket. (Number of pages in order - 4)

DMC/sa  
Attachment  
cc: Division of Communications (Ollila)  
I:990649cf.dmc

*faxed 22/4  
mailed -*

**MUST GO TODAY**

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 11/23/99  
Number of Originals 4 Copies Per Original 16  
Requested By [Signature]

Item Presented

Agenda For (Date) \_\_\_\_\_ Order No. 99-2252 In Docket No. 990649  
Notice of \_\_\_\_\_ For (Date) \_\_\_\_\_ In Docket No. \_\_\_\_\_  
Other \_\_\_\_\_

Special Handling Instructions

Distribution/Mailing

Number	Distributed/ Mailed To	Number	Distribution/Mailed To
<u>16</u>	Commission Offices	_____	_____
<u>4</u>	Docket Mailing List - Mailed	_____	_____
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Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 205 Verified By Michael  
Date and Time Completed 11/24 Job Checked For Correctness and Quality (Initial) u

Mail Room Verification

Date Mailed / Verified By /