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September 24, 2003

D. BRUCE MAY, JR.
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VIA HAND DELIVERY

Blanca S. Bayo
Division of Commission Clerk and
Administrative Services
Florida Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: In re: Petition of Verizon Florida Inc. (f/k/a GTE Florida Inc.) against Teleport Communications Group, Inc. and TCG South Florida, for review of a decision by The American Arbitration Association in accordance with Attachment 1 Section 11.2(a) of the Interconnection Agreement between GTE Florida Inc. and TCG South Florida, Docket No. 030643-TP

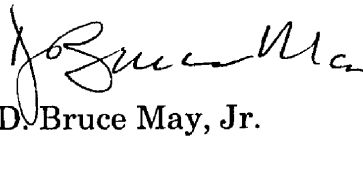
Dear Ms. Bayo:

Enclosed for filing are the original and seven (7) copies of Verizon Florida, Inc.'s Response in Support of its Request for Confidential Classification in the referenced proceeding.

For our records, please acknowledge your receipt of this filing on the enclosed copy of this letter. Thank you for your consideration.

Sincerely,

HOLLAND & KNIGHT LLP


D. Bruce May, Jr.

AUS	_____
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September 24, 2003
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DBM:kjg
Enclosures

cc: Felicia Banks (via hand-delivery)
Jeremy L. Susac (via hand-delivery)
Marsha Rule (via hand-delivery)
Charles Beck (via hand-delivery)

ORIGINAL

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In Re:)
)
)
 Petition of Verizon Florida Inc.)
 (f/k/a GTE Florida Inc.) against)
 Teleport Communications Group, Inc. and)
 TCG South Florida, for review)
 of a decision by The American Arbitration)
 Association in accordance with Attachment 1)
 Section 11.2(a) of the Interconnection)
 Agreement between GTE Florida Inc. and)
 TCG South Florida)

Docket No. 030643-TP

Filed: September 24, 2003

**VERIZON FLORIDA INC.'S RESPONSE IN SUPPORT OF ITS REQUEST
FOR CONFIDENTIAL CLASSIFICATION**

Verizon Florida Inc. ("Verizon"), pursuant to Rules 25-22.006 and 28-106.204, Florida Administrative Code, respectfully submits this response in opposition to the Objection of Teleport Communications Group, Inc. and TCG South Florida's (collectively, "TCG") to Verizon's Request for Confidential Classification ("Request"). TCG's objection ignores the plain language of the statute that provides for confidential treatment, and the binding terms of the parties' interconnection agreement. Because the material designated in Verizon's Request constitutes proprietary confidential business information under Sections 364.183(1) and (3), Florida Statutes, as explicitly recognized by the Interconnection Agreement that TCG signed and that this Commission specifically approved, Verizon's Request should be granted.

1. As Verizon explained in its Request, the Interconnection Agreement between Verizon and TCG directed the parties to "treat the arbitration proceeding including the hearings and conferences, discovery, or other related events, as confidential, except as necessary in

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connection with a judicial challenge to, or enforcement of, an award, or unless otherwise required by an order or lawful process of a court or governmental body.” Interconnection Agreement, Attach. 1, § 13.1. Accordingly, Verizon sought confidential treatment of the pleadings filed in the underlying proceeding before the American Arbitration Association, supporting evidentiary submissions, as well as the Arbitrator’s interim and final decisions.

2. Verizon’s Request is both justified by the plain language of the Interconnection Agreement and entirely consistent with Florida law. Verizon treats arbitration proceedings as confidential proprietary business information, and has not revealed to other persons any of the material for which it has sought confidential treatment. Moreover, disclosure of these confidential arbitration proceedings would harm Verizon’s business operations because it would discourage other parties from settling disagreements with Verizon through private alternative dispute resolution, and would additionally discourage Verizon from including private arbitration provisions in its contracts. *See* § 364.183(3), Fla. Stat. (2003).

3. TCG does not contest these points. Instead, TCG contends that filing a petition for review of the arbitration proceeding somehow serves to waive the confidentiality protections afforded by the very interconnection agreement that sanctioned Verizon’s petition. But that is not what the contractual language provides. Verizon and TCG agreed to maintain the confidentiality of their private arbitration proceedings except in limited circumstances identified in the interconnection agreement. Specifically, Verizon and TCG agreed to keep the arbitration proceedings confidential “except as necessary in connection with a judicial challenge to, or enforcement of, an award, or unless otherwise required by an order or lawful process of a court or governmental body.” Interconnection Agreement, Attach. 1, § 13.1. The exception does not, by its terms, extend to the simple filing of petition for review with the Florida Public Service

Commission – a right established by the same ADR Attachment that established the confidentiality obligation in the first place. Accordingly, Verizon’s petition for review has no effect on Verizon’s and TCG’s obligation to maintain the confidentiality of the arbitration proceedings in accordance with the contract. TCG does not explain how its filing is consistent with that contractual undertaking.

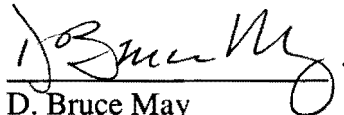
4. Finally, TCG’s assertion that “Verizon is not attempting to protect the confidentiality of the private alternative dispute resolution process” (TCG’s Objection ¶ 6) reflects a fundamental misunderstanding of the Florida sunshine laws, and this Commission’s conforming rules and regulations. Rule 25-22.006(4)(c) of this Commission’s rules directs any party seeking confidential treatment to justify each request for confidential classification on a “line-by-line” basis. Because this rule expresses the Commission’s desire for parties to narrow their requests for confidential classification wherever possible, Verizon limited its request for confidential treatment to the actual arbitration proceedings – including pleadings, hearing transcripts, etc. By contrast, Verizon reasoned that generalized descriptions of those proceedings do not fall within the language of the confidentiality provision narrowly construed. By treating only the actual proceedings as confidential, Verizon followed the letter and intent of the Commission’s rules and orders. *See e.g., In re: Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.*, 02 F.P.S.C. 6:263, Docket No. 001305-TP, Order No. PSC-02-0844-CFO-TP (June 19, 2002) (Commission granted BellSouth’s request for confidential classification of substantive references to a commercial arbitration proceeding).

WHEREFORE, Verizon reiterates its requests that the information identified as confidential in Appendices A, B and C to its Request be classified as confidential and exempt

from the Public Records Act, Chapter 119, Florida Statutes, and Article I, Section 24(a) of the Florida Constitution.

Dated this 24th day of September, 2003.

Respectfully submitted,



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Co-Counsel for Verizon Florida Inc.

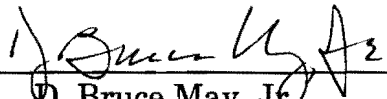
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY and a true and correct copy of the foregoing was hand delivered to: Felicia Banks, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850; Marsha E. Rule, Rutledge, Ecenia, Purnell & Hoffman, P.A., 215 S. Monroe Street, Suite 420, Tallahassee, Florida 32301-1840 and Charles Beck, Office of Public Counsel, 111 West Madison Street, Suite 812, Tallahassee, Florida 32399 all on this 24th day of September, 2003.



D. Bruce May, Jr.

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