

ORIGINAL

Timolyn Henry

060644-TL

From: McPike, Jessica L [EQ] [Jessica.L.Mcpike@Embarq.com]
Sent: Thursday, January 25, 2007 2:32 PM
To: Filings@psc.state.fl.us
Subject: RE: Embarq's Request for Confidential Classification
Attachments: Embarq's Request for Confidential Classificationpdf.pdf

Filed on Behalf of: Susan S. Masterton

Counsel
Embarq Florida, Inc.
1313 Blair Stone Road
Tallahassee, FL 32301
Telephone: 850/599-1560
Email: susan.masterton@embarq.com

Docket No. 060644-TP

Title of filing: Embarq's Request for Confidential Classification

Filed on behalf of: Susan Masterton

No of pages: 12 pages

Description: Embarq's Request for Confidential Classification

<<Embarq's Request for Confidential Classificationpdf.pdf>>

Jessica L. McPike
Legal Specialist
Law & External Affairs-State External Affairs
EMBARQ Corporation
Voice: 850-599-1563 | Fax: 850-878-0777 | Email: jessica.mcpike@embarq.com
Voice | Data | Internet | Wireless | Entertainment

CMP 1
COM _____
CTR _____
ECR _____
GCL 1
OPC _____
RCA _____
SCR _____
SGA _____
SEC 1
OTH 1 copy records

1/25/2007

DOCUMENT NUMBER-DATE
00777 JAN 25 8
FPSC-COMMISSION CLERK

ORIGINAL



Voice | Data | Internet | Wireless | Entertainment

EMBARQ™

Embarq Corporation
Mailstop: FLTLH00102
1313 Blair Stone Rd.
Tallahassee, FL 32301
EMBARQ.com

January 25, 2007

Ms. Blanca Bayó, Director
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RE: Docket No. 060644-TP, Embarq Florida, Inc.'s Request for Confidential
Classification

Dear Ms. Bayó:

Enclosed for filing on behalf of Embarq Florida, Inc. is Embarq's Request for
Confidential Classification, which was filed on this date with the Commission Clerk
and Administrative Services. A listing of the documents follows:

- 1) Embarq's Response to Staff's Request for PODs 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 12/29/07) included in Hearing Exhibit No. 5.
- 4) Embarq's Response to Audit Request No. 17.1 (Document No. 00078-07 – Claim of
Confidentiality filed 1/3/07) included in Hearing Exhibit No. 6.

Please keep the documents confidential pending action on Embarq's Request for
Confidential Classifications relating to these documents.

Please acknowledge receipt of this filing by stamping and initialing a copy of this letter
and returning same to the courier. If you have any questions, please do not hesitate to
call me at 850/599-1560.

Sincerely,

Susan S. Masterton

Enclosure

Susan S. Masterton
COUNSEL
LAW AND EXTERNAL AFFAIRS- REGULATORY
Voice: (850) 599-1560
Fax: (850) 878-0777

DOCUMENT NUMBER-DATE

00777 JAN 25 07

FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE
DOCKET NO. 060644-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served electronically and by US mail this 25th day of January, 2007 to the following:

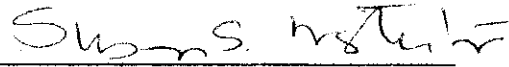
Jason Fudge
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
jfudge@psc.state.fl.us

Beth Salak
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
hsalak@psc.state.fl.us

Office of Public Counsel
Charles J. Beck
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400
beck.charles@leg.state.fl.us

Vicki Gordon Kaufman
Moyle Flanigan Katz Raymond &
Sheehan, PA
118 North Gadsden Street
Tallahassee, FL 32301
vkaufman@moylelaw.com

Matthew Feil
General Counsel
Allison Hicks
Assistant General Counsel
FDN Communications
2301 Lucien Way, Suite 200
Maitland, FL 32751
mfeil@mail.fdn.com
ahicks@mail.fdn.com



Susan S. Masterton

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

| | |
|---|-------------------------|
| In re: Petition by Embarq Florida,) | Docket No. 060644-TL |
| Inc., pursuant to section 364.051(4),) | |
| Florida Statutes, to recover 2005) | |
| Tropical system related costs and) | |
| Expenses) | Filed: January 25, 2007 |
| _____) | |

Embarq Florida, Inc.'s Request for Confidential Classification
Under Section 364.183(1), Florida Statutes

Embarq Florida, Inc. (hereinafter, "Embarq") hereby requests that the Florida Public Service Commission ("Commission") classify certain documents identified herein as confidential and exempt from public disclosure under chapter 119, Florida Statutes, and issue any appropriate protective order reflecting such a decision.

1. The information that is the subject of this request is confidential and proprietary as described in paragraph 3. The following documents or excerpts from documents are the subject of this request:

- 1) Embarq's Response to Staff's Request for PODs 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 12/29/07) included in Hearing Exhibit No. 5.
- 4) Embarq's Response to Audit Request No. 17.1 (Document No. 00078-07 – Claim of Confidentiality filed 1/3/07) included in Hearing Exhibit No. 6.

2. Redacted copies of the information are attached to this request. An unredacted copy of each document is already on file with the Florida Public Service Commission pursuant to the Claims of Confidentiality identified above.

3. The information for which the Request is submitted includes Embarq's projected access line counts or information from which these projected access line counts could be derived. This information is information relating to Embarq's competitive interests, the disclosure of which would impair Embarq's competitive business. In addition, the information includes detailed notes concerning the location and type of Embarq's facilities. This information is information relating to Embarq's competitive interests, the disclosure of which would impair Embarq's competitive business. In addition, release of the information would impair Embarq's security interests. Also, the information for which this Request is submitted includes information regarding the types and prices of Embarq's facilities. This information is information relating to Embarq's competitive interests, the disclosure of which would impair Embarq's competitive business. 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. Attachment A contains an explanation of the proprietary information, identifies the location of the information designated confidential, and identifies the specific sections of 364.183(3), F.S. that justify confidentiality.

4. Section 364.183(3), F.S., provides:

(3) 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. The term includes, but is not limited to:

- (a) Trade secrets.
- (b) Internal auditing controls and reports of internal auditors.
- (c) Security measures, systems, or procedures.
- (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company or its affiliates to contract for goods or services on favorable terms.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

- 5. The subject information has not been publicly released by Embarq.
- 6. The Commission has granted confidential classification for similar information. See, Order No. PSC-07-0055-CFO-TL in Docket No. 060644-TL (relating to projected access line counts) and Order No. PSC-07-0057-CFO-TL in Docket No. 060763-TL (related to the location and type of Embarq's facilities).

Based on the foregoing, Embarq respectfully requests that the Commission grant Embarq's Request for Confidential Classification, exempt the information from disclosure under chapter 119, Florida Statutes, and issue any appropriate protective order, protecting the information from disclosure while it is maintained at the Commission.

Respectfully submitted this 25th day of January 2007.

Handwritten signature of Susan S. Masterton in black ink, written over a horizontal line.

Susan S. Masterton
1313 Blair Stone Road
Tallahassee, FL 32301
Voice: 850-599-1560
Fax: 850-878-0777
susan.masterton@embarq.com

Counsel for Embarq Florida, Inc.

ATTACHMENT A

| Document No. and Description | Location of Confidential Information | Justification for Confidential Treatment |
|---|---|--|
| <p>10437-06 Embarq's Response to Staff's POD No. 2 (included in Hearing Exhibit No. 9)</p> | <p>Entire Document</p> | <p>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.)</p> |
| <p>11799-06 Embarq's Response to Staff's Interrogatory No. 53 (included in Hearing Exhibit No. 9)</p> | <p>Highlighted information in the 2nd, 4th, 5th 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>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> |

Embarq Florida, Inc.

POD # 2

CONFIDENTIAL DOCUMENTS

Monthly Average - February 2007 through January 2008 Forecast

| Type | Per Filing - Sep. 25, 2006 | | | Per Kent Dickerson Surrebutal - Dec. 11, 2006 | | |
|---|---|---|----------------|---|---|----------------|
| | Monthly Average Loops per filing (2/07 through 1/08) | Appropriate Multiplier per filing | Total Quantity | Monthly Average Loops per filing (2/07 through 1/08) | Consistent Application of Multiplier to Retail and Wholesale | Total Quantity |
| <u>Basic Access Lines</u> | | | | | | |
| Residence - Retail | | 1 | | | 1 | |
| Less: Lifeline | | 1 | | | 1 | |
| Residence - Resold | | 1 | | | 1 | |
| Subtotal Residential Basic | | | | | | |
| Business - B1 Single & Multi Line | | 1 | | | 1 | |
| Business Resold | | 1 | | | 1 | |
| Subtotal Business Basic | | | | | | |
| Total Basic Access Lines | | | 1,365,721 | | | 1,365,721 |
| <u>Non-Basic Access Lines</u> | | | | | | |
| ISDN - PRI Interfaces | | 5 | | | 5 | |
| PBX | | 2 | | | 2 | |
| Res. ISDN - BRI Interfaces | | 1 | | | 1 | |
| Bus. ISDN - BRI Interfaces | | 1 | | | 1 | |
| Key & Centrex Trunks | | 1 | | | 1 | |
| Residence Measured Service | | 1 | | | 1 | |
| Residence Rotary | | 1 | | | 1 | |
| Business Rotary | | 1 | | | 1 | |
| Smart Coin | | 1 | | | 1 | |
| Total Non-Basic Access Lines | | | 317,687 | | | 317,687 |
| <u>Wholesale Loop Unbundled Network Element</u> | | | | | | |
| DS0 | 10,221 | 1 | 10,221 | 10,221 | 1 | 10,221 |
| DS1 | 1,033 | 24 | 24,792 | 1,033 | 5 | 5,165 |
| DS3 | 11 | 672 | 7,392 | 11 | 30 | 330 |
| UNE-P | 18,099 | 1 | 18,099 | 18,099 | 1 | 18,099 |
| EEL Loops | 930 | 1 | 930 | 930 | 1 | 930 |
| Total Wholesale Loop Unbundled Network Elements | | | 61,434 | | | 34,745 |
| Total | | | 1,744,842 | | | 1,718,153 |

Summary of Actual and Forecast Lines for Storm Cost Recovery Charge Application

Embarq Florida Inc.
 FPSC Docket No. 060644-TL
 Deposition of Kent W. Dickerson
 Late Filed Exhibit No. 2
 Page 1 of 1

| | June 2006 Actuals | | | Forecast - Monthly Average February 2007 to January 2008 | | |
|--|-------------------|-------------------------------------|-------------------------------------|---|-------------------------------------|-------------------------------------|
| | Quantity | Number of Surcharges per Line | Extended Number of Surcharges | Quantity | Number of Surcharges Per Line | Extended Number of Surcharges |
| 1 Retail Residential | | 1 | | | 1 | |
| 2 Retail Business | | | | | | |
| 3 Retail Business PBX | | 2 | | | 2 | |
| 4 Retail Business ISDN-PRI | | 5 | | | 5 | |
| 5 Retail Business - all other | | 1 | | | 1 | |
| 6 Total Retail Business (total of lines 3 through 5) | | | | | | |
| 7 Resold Lines | | 1 | | | 1 | |
| 8 Wholesale Loop Unbundled Network Element Customers | | | | | | |
| 9 DS0 Loops | 11,131 | 1 | 11,131 | 10,221 | 1 | 10,221 |
| 10 DS1 Loops | 1,033 | 5 | 5,165 | 1,033 | 5 | 5,165 |
| 11 DS3 Loops | 11 | 30 | 330 | 11 | 30 | 330 |
| 12 UNE-P Loops | 20,936 | 1 | 20,936 | 18,099 | 1 | 18,099 |
| 13 EEL Loops | 867 | 1 | 867 | 930 | 1 | 930 |
| 14 Total Wholesale Loop Unbundled Network Element Customers (total of lines 9 through 13) | | | 38,429 | | | 34,745 |
| 15 Grand Total (total of lines 1, 6, 7 and 14) | | | 1,877,915 | | | 1,718,153 |

Additional Information and Documents
Supporting the Response to
Audit Document/Record Request
(ADRR) # 17.1