

State of Florida



ORIGINAL

Public Service Commission

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COMMISSION CLERK

-M-E-M-O-R-A-N-D-U-M-

DATE: January 10, 2007

TO: Patrick Wiggins, Attorney Supervisor, Office of the General Counsel
Jason Fudge, Senior Attorney, Office of the General Counsel

FROM: Dale R. Buys, Regulatory Analyst III, Division of Competitive Markets & Enforcement *DB*

RE: **Treviso Bay Development, LLC's Request for Confidential Classification and Treatment in Docket No. 060763-TL;** Petition by Embarq Florida, Inc. under section 364.025(6)(d), Florida Statutes, for relief from its carrier of last resort obligations. *mm*

On January 3, 2007, Treviso Bay Development, LLC (Treviso Bay) filed its request pursuant to Rule 25-22.006, F.A.C., and Section 364.183(1), Florida Statutes, for confidential classification and treatment of the information contained in **FPSC Document Number 00080-07** which consists of certain agreements and correspondence between Treviso Bay and Time Warner Cable / Comcast Corporation. Treviso Bay claims that the information contained in the documents concerns contractual relationships between Treviso Bay and Comcast Corporation for which the disclosure of such information would be adverse to Treviso Bay's competitive business interests. The information in question reflects the amount of consideration negotiated between the parties which is listed in the documents provided.

Upon review of the information contained in the documents, technical staff concurs with Treviso Bay that the information meets the requirements for confidential classification pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006(5), F.A.C., and as such, the information should be treated as confidential.

CMP _____

COM _____

cc: Della Fordham

CTR _____

Blanca Bayo

ECR _____

GCL _____

OPC _____

RCA _____

SCR _____

SGA _____

SEC _____

OTH Lochard

DOCUMENT NUMBER-DATE

01026 JAN 31 5

FPSC-COMMISSION CLERK

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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Petition for waiver of carrier)
of last resort obligations for)
multitenant property in Collier)
County known as Treviso Bay,)
by Embarq Florida, Inc.)

Docket No. 000763-01
COMMISSION
CLERK
Filed: January 3, 2007

TREVISO BAY DEVELOPMENT, LLC'S REQUEST FOR CONFIDENTIAL CLASSIFICATION AND TREATMENT

Treviso Bay Development, LLC ("Treviso Bay"), pursuant to Rule 25-22.006, Florida Administrative Code ("F.A.C."), and Section 364.183(1), Florida Statutes (2006), hereby files this request for confidential classification and treatment of certain portions of documents that are being furnished on this date to the Commission Staff pursuant to the Staff's informal data requests made to Treviso Bay on December 20, 2006. The information for which confidential treatment is requested satisfies the requirements of the Commission's rules and

CMP 1 applicable statutes, and the Commission should accordingly grant
COM _____
CTR _____ Treviso Bay's request.

ECR _____ 1. The information for which confidential treatment is
GCL 1 requested is included in certain agreements between Treviso Bay
OPC _____
RCA _____ and Time Warner Cable and between Treviso Bay and Comcast, in
SCR _____ Treviso Bay's estimated absorption schedule (the "Absorption
SGA _____ Schedule"), and also in certain correspondence between Treviso
SEC 1
OTH com records Bay and Time Warner and Comcast. The subject agreements are:

DOCUMENT NUMBER-DATE

00079 JAN-30

FPSC-COMMISSION CLERK

a. Cable Television and Communications Service Access Agreement, between Treviso Bay and Time Warner Cable, dated August 8, 2005 (the "Cable Service Access Agreement"); and

b. Bulk Cable Television Service and Easement Agreement, between Treviso Bay and Time Warner Cable, dated August 8, 2005 (the "Easement Agreement").

2. The information for which confidential treatment is requested is highlighted on pages 2 and 3 of the Cable Service Access Agreement, on pages 3, 4 and 5 of the Easement Agreement, on the only page of the Absorption Schedule, and on multiple pages of the correspondence as more fully described on Attachment A hereto.

3. Redacted copies of the agreements, the Absorption Schedule, and the correspondence are attached to this Request for Confidential Classification and Treatment.

4. The information for which confidential treatment is requested is treated by Treviso Bay as private and confidential and has not been disclosed to anyone other than Time Warner and Comcast, as parties to the subject agreements and the correspondence. The subject information includes confidential information relating to the contractual relationships between Treviso Bay and Comcast (as successor to Time Warner), the disclosure of which would be adverse to Treviso Bay's (and to Time Warner's and Comcast's) ability to contract for goods and services on favorable terms, and the disclosure of which would

also be adverse to Treviso Bay's, Time Warner's, and Comcast's competitive interests. Detailed justifications for the confidential classification and treatment of the highlighted information are provided on Attachment A to this Request for Confidential Classification and Treatment.

WHEREFORE, Treviso Bay Development, LLC respectfully requests that the Florida Public Service Commission grant Treviso Bay's Request for Confidential Classification and Treatment as prayed herein.

Respectfully submitted this 3rd day of January, 2007.



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Attorneys for Treviso Bay
Development, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery (*) or and U.S. Mail on this 3rd day of January, 2007, to the following:

Beth Salak*
Florida Public Service Commission
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susan.masterton@embarq.com



Attorney

ATTACHMENT A

Document Page & Line Numbers

Justification for Confidential Classification

Cable Television and Communications Service Access Agreement

Page 2, lines 26-27

The redacted information reflects the consideration exchanged between Treviso Bay and Time Warner/Comcast, which was competitively negotiated between the parties, and the disclosure of which would be adverse to Treviso Bay's competitive business interests.

Page 3, lines 12, 15, 16, 26, and 31-38

The redacted information reflects the consideration exchanged between Treviso Bay and Time Warner/Comcast, which was competitively negotiated between the parties, and the disclosure of which would be adverse to Treviso Bay's competitive business interests.

Bulk Cable Television Service and Easement Agreement

Page 3, lines 36-40

The redacted information reflects the consideration exchanged between Treviso Bay and Time Warner/Comcast, which was competitively negotiated between the parties, and the disclosure of which would be adverse to Treviso Bay's competitive business interests.

Page 4, lines 2-3, 19, 22, and 39-40

The redacted information reflects the consideration exchanged between Treviso Bay and Time Warner/Comcast, which was competitively negotiated between the parties, and the disclosure of which would be adverse to Treviso Bay's competitive business interests.

Page 5, lines 10-12 and 17-18

The redacted information reflects the consideration exchanged between Treviso Bay and Time Warner/Comcast, which was competitively negotiated between the parties, and the disclosure of which would be adverse to Treviso Bay's competitive business interests.

Treviso Bay Estimated Absorption Schedule

The redacted information reflects specifics of Treviso Bay's business and marketing plans, the disclosure of which would impair Treviso Bay's business and competitive interests.

Correspondence*

Page 1002, lines 2, 4-6, 18-20, 26-28, and 36-39

The redacted information reflects consideration or proprietary business terms, or both, between Treviso Bay and Time Warner/Comcast, which were competitively negotiated between the parties, and the disclosure of which would be adverse for Treviso Bay's competitive business interests.

Page 1004, lines 15-17, 19, 22 and 23

" "

Page 1005, lines 5-7, 13-15, 26-28, and 30

" "

Page 1006, lines 8-10 and 12

" "

Page 1007, lines 18-19 and 23

" "

Page 1009, lines 2, 4-6, 18-20, 26-28 and 36-39

" "

Page 1012, lines 2, 4-6, 18-20, 26-28 and 36-39

" "

Page 1021, lines 47-48

" "

Page 1022, line 4

Private cell phone number

Page 1022, lines 29-30, and 35

The redacted information reflects consideration or proprietary business terms, or both, between Treviso Bay and Time Warner/Comcast, which were competitively negotiated between the parties, and the disclosure of which would be adverse for Treviso Bay's competitive business interests.

Page 1026, lines 43-48

" "

Page 1030, lines 7-11

Redacted as non-responsive.

Page 1035, lines 28-31

The redacted information reflects consideration or proprietary business terms, or both, between Treviso Bay and Time Warner/Comcast, which

were competitively negotiated between the parties, and the disclosure of which would be adverse for Treviso Bay's competitive business interests.

Page 1040, lines 12-15	" "
Page 1041, lines 38-41	" "
Page 1044, lines 38-39	" "
Page 1047, line 2	" "
Page 1048, lines 18, 21 and 24-26	" "
Page 1049, line 22	" "
Page 1070, lines 3-5	" "

*The correspondence consists of multiple documents. The documents are numbered at the bottom right for ease of reference.