

BEFORE THE PUBLIC SERVICE COMMISSION

In re: 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. 060763-TL  
ORDER NO. PSC-07-0117-CFO-TL  
ISSUED: February 7, 2007

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION  
OF DOCUMENT NO. 00080-07

On January 3, 2007, Treviso Bay Development, LLC (Treviso Bay) filed a request for confidential classification. In its request, Treviso Bay seeks confidential classification of information contained in its response to our staff's data request. The responses contain certain agreements and correspondence between Treviso Bay and Time Warner Cable/ Comcast Corporation. (Document No. 00080-07). Attachment A, attached hereto and incorporated herein, contains a detailed justification of the confidentiality of the information at issue. I understand that Treviso Bay treats this information as confidential and it has not otherwise been released.

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.

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 Treviso Bay's competitive

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interests. As such, Treviso Bay's Request for Confidential Classification of Document No. 00080-07 is hereby granted.

Based on the foregoing, it is

ORDERED by Commissioner Matthew M. Carter II, as Prehearing Officer, that Treviso Bay Florida Inc.'s Request for Confidential Classification of Document No. 00080-07, as set forth in Attachment A, which is attached and incorporated herein, 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 7th day of February, 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 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.