

State of Florida



ORIGINAL

Public Service Commission

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DATE: March 21, 2007

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

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

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

On March 6, 2007, Embarq Florida, Inc. (Embarq) pursuant to Section 364.183, Florida Statutes, submitted its request for confidential classification of the information contained in the following documents:

- 1) CD containing Treviso Bay NPV analysis (Document No. 11881-06 – Claim of Confidentiality filed 12/29/06) included in Hearing Exhibit No. 4.
- 2) Highlighted Information in Embarq's Response to Staff's Data Request No.E1 (Document No. 00149-07– Claim of Confidentiality filed 1/5/07) included in Hearing Exhibit No. 4
- 3) Market Share Study Provided in Response to Staff Data Request No. E1 (Document No. 00184-07 – Claim of Confidentiality filed 1/8/07) included in Hearing Exhibit No. 4.
- 4) Embarq's Response to Staff POD Nos. 1-7 (Document No. 00492-07 – Claim of Confidentiality filed 1/17/07) included in Hearing Exhibit No.4.
- 5) Embarq's Response to Treviso Bay's Interrogatory No. 5 and POD Nos. 4, 5, and 7 (Document No. 00582-07 - Claim of Confidentiality filed on 1/22/07) included in Hearing Exhibit No. 11
- 6) Embarq's Response to Treviso Bay's POD No. 2 (Document No. 00621-07 – Claim of Confidentiality filed 1/23/07) included in Hearing Exhibit No. 11.
- 7) Embarq's Response to Staff's Interrogatory Nos. 20, 21 and 22 and Request for Admissions No. 4 (Document No. 00932-07 – Claim of Confidentiality filed 1/29/07) included in Hearing Exhibit No. 4.
- 8) Embarq's Response to Staff's Interrogatory Nos. 29 and 30 and POD No. 8 (Document No. 01201-07 – Claim of Confidentiality filed 2/5/07) included in Hearing Exhibit No. 4.
- 9) Highlighted information on pages 8 and 9 of Kent W. Dickerson's Surrebuttal Testimony (Document No. 01228-07 – Claim of Confidentiality filed 2/6/07).

The documents and excerpts from documents that are the subject of Embarq's request were previously filed under a Claim of Confidentiality. These documents were subsequently entered

CMP _____

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OTH Dickerson

DOCUMENT NUMBER-DATE

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into the record during a Hearing held on February 14, 2007. After the Hearing, Embarq submitted its request for Confidential Classification pursuant to Rule 25-22.006, F.A.C.

Embarq claims that the information pertains to Embarq's projected costs to provide service, expected penetration rates for Embarq's services and Embarq's projected revenues for these services. The documents also contain information concerning the types, costs, and prices for Embarq's facilities and services, and Embarq's anticipated market share for various services. Embarq claims the information has not been disclosed publicly and relates to Embarq's competitive interests, the disclosure of which would impair Embarq's competitive business (see, section 364.183(3)(e), Florida Statutes). In addition, the documents contain information regarding Embarq's wholesale customers which Embarq is required to keep confidential under its interconnection agreements. The documents also contain information for which Treviso Bay (another party in the docket) has been granted confidential treatment by the Commission in this proceeding.

Upon review of the information contained in the documents, technical staff concurs with Embarq 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.

cc: Brenda Merritt (CMP)
Marguerite Lockard (CLK)
Pauline Evans (GCL)