

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for arbitration of certain terms and conditions of an interconnection agreement with Verizon Florida, LLC by Bright House Networks Information Services (Florida), LLC.

DOCKET NO. 090501-TP  
ORDER NO. PSC-10-0203-CFO-TP  
ISSUED: April 1, 2010

ORDER GRANTING BRIGHT HOUSE'S REQUEST FOR  
CONFIDENTIAL TREATMENT AND MOTION FOR PROTECTIVE ORDER  
OF DOCUMENT NO. 01552-10

On March 5, 2010, Bright House Networks Information Services (Florida), LLC, pursuant to Rule 25-22.006 (4) and (6), Florida Administrative Code, filed a Request for Confidential Treatment and Motion for Protective Order regarding information contained in its Responses to Verizon's First Set of Interrogatories (1- 21) and First Requests for Production of Documents (Nos. 1-8). Specifically, Bright House seeks confidential treatment of the highlighted information provided in response to Interrogatories 1,3,5,13,14,15, and 16. In support of its request, Bright House states that certain information contained in these supplemental responses fits the definition of "proprietary confidential business information", and that certain information, if disclosed, would provide competitors with information regarding marketing strategies, and the effectiveness thereof, which would allow such competitors an unfair advantage in crafting competitive strategies targeted at Bright House's operations. Furthermore, Bright House states that it has, and continues to, treat this information as proprietary, confidential business information and has not otherwise disclosed this information outside of a proprietary agreement.

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

DOCUMENT NUMBER-DATE

02364 APR -1 0

FPSC-COMMISSION OF F.I.R.

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 cause competitive harm to Bright House and provide competitors with an unfair advantage. As such, Bright House's Request for Specified Confidential Classification and Motion for Protective Order regarding information contained in Document No. 01552-10 is hereby granted.

Based on the foregoing, it is

ORDERED by Commissioner David Klement, that Bright House Networks Information Services (Florida), LLC's Request for Specified Confidential Classification and Motion for Protective Order regarding information contained in Document No. 01552-10 is granted. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the confidentiality granted to material specified herein shall expire eighteen (18) months from the date of the issuance of this Order, in the absence of a renewed request for confidentiality pursuant to Section 364.183, Florida Statutes. 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 David E. Klement, as Prehearing Officer, this 1st day of April, 2010.



---

DAVID E. KLEMENT  
Commissioner and Prehearing Officer

( S E A L )

TJB

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 Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, 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.