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October 27, 2010

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GOVERNMENTAL CONSULTANTS JONATHAN M. COSTELLO MARGARET A. MENDUNI



#### **By Hand Delivery**

Ms. Ann Cole, Director Commission Clerk and Administrative Services Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850

Re: Docket 100176-TP (Petition for Arbitration of Interconnection Agreement Between BellSouth Telecommunications, Inc. d/b/a AT&T Florida and Sprint Communications Company Limited)

Docket 100177-TP (Petition for Arbitration of Interconnection Agreement Between BellSouth Telecommunications, Inc. d/b/a AT&T Florida and Sprint Spectrum Limited Partnership, Nextel South Corp., and NPCR, Inc. d/b/a Nextel Partners)

Dear Ms. Cole:

Enclosed for filing in the above-referenced dockets on behalf of Sprint Communications Company Limited, Sprint Spectrum Limited Partnership, Nextel South Corp., and NPCR, Inc. d/b/a Nextel Partners (collectively, "Sprint") please find the following:

- 1. Original and five copies of Sprint's First Request for Confidential Classification; including Exhibits A1 through A-5 and Exhibit C; and
- 2. An envelope containing Confidential Exhibits B-1 through B-5.

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October 27, 2010 Page 2

As set forth in Sprint's First Request for Confidential Classification, Sprint claims the highlighted portions of the paper copies of Confidential Exhibits B-1 through B-5 and the entire CD included in Exhibit B-1 as confidential and proprietary business information belonging to Sprint that should be kept confidential and exempt from public disclosure.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me.

Thank you for your assistance with this filing and please do not hesitate to contact me if you have any questions.

Sincerely, Marsle E. Dule

Enclosures

cc: Parties of Record

#### **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for arbitration of interconnection agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida and Sprint Communications Company L.P.	DOCKET NO. 100176-TP
In re: Petition for arbitration of interconnection agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida and Sprint Spectrum L.P., Nextel South Corp. and NPCR, Inc. d/b/a Nextel Partners.	DOCKET NO. 100177-TP FILED: October 27, 2010

#### SPRINT'S FIRST REQUEST FOR CONFIDENTIAL CLASSIFICATION

Sprint Spectrum L.P. d/b/a Sprint PCS ("Sprint PCS"), Nextel South Corp. ("Nextel"), NPCR, Inc. d/b/a Nextel Partners ("Nextel Partners"), and Sprint Communications Company Limited Partnership (collectively "Sprint"), and pursuant to §364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby requests confidential classification of the information and documents described below. As grounds for its request, Sprint states as follows:

1. Section 364.183, Florida Statutes, provides that information which meets certain

criteria is exempt from public disclosure under §119.07, Florida Statutes. Section §364.183

defines "proprietary confidential business information" as follows:

(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.

COLUMN THE MODEL CATE U.8.9.5.3 DOT 27 E FPSC-COMMISSION CLERK (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.

The categories listed in paragraphs (a)-(f) are not exhaustive. Information that does not fall within such paragraphs may nevertheless be confidential under subsection (3). *Florida Power & Light Co. v. Florida Public Service Commission*, 31 So.3d 860 (Fla. 1<sup>st</sup> DCA 2010)(construing substantially the same language in Section 366.093, Florida Statutes).

#### Confidential Exhibit RGF-2 of Randy G. Farrar

2. On August 25, 2010, Sprint filed the direct testimony of its witness Randy G. Farrar, including Confidential Exhibit RGF-2 (Florida CDMA & iDEN Maps), which was received by the Commission under a claim of confidentiality pursuant to Section 364.183(1), Florida Statutes and provided to AT&T pursuant to the parties' protective agreement. A copy of the redacted paper version of Exhibit RGF-2 is attached hereto as **Exhibit A-1**. A highlighted copy of the unredacted paper version and a corresponding CD version of Exhibit RGF-2 are submitted separately as **Confidential Exhibit B-1**. Also attached: **Exhibit C**, which is a table containing the justification for confidential classification of the information highlighted in Confidential Exhibit B-1 and other Confidential Exhibits referenced herein.

3. Confidential Exhibit RGF-2 illustrates the Florida Sprint PCS wireless network. Page 1 illustrates the CDMA (i.e.; Sprint) network, while Page 2 illustrates the iDEN (i.e., Nextel) network. This information, which is not available to the public, should remain confidential in order to maintain the security of the nation's communications infrastructure, and further, is proprietary confidential business information and a trade secret within the meaning of §364.183(a) and (e), Florida Statutes. The information is intended to be, and has been, treated by Sprint as confidential, and its disclosure would impair Sprint's competitive business interests. This information is commercially valuable, in that it would permit competitors to pinpoint and target locations where Sprint's network is vulnerable to competition, thus affording Sprint's competitors an artificial advantage in their ability to compete with Sprint and disadvantaging Sprint and its shareholders.

#### Confidential Exhibit RGF-3 of Randy G. Farrar

4. On August 25, 2010, Sprint filed the direct testimony of its witness Randy G. Farrar, including Confidential Exhibit RGF-3 (Results of Sprint's Traffic Studies for Florida), which was received by the Commission under a claim of confidentiality pursuant to Section 364.183(1), Florida Statutes and provided to AT&T pursuant to the parties' protective agreement. A copy of the redacted version of Exhibit RGF-3 is attached hereto as **Exhibit A-2**. A highlighted copy of the unredacted version of Exhibit RGF-3 is submitted separately as **Confidential Exhibit B-2. Exhibit C** includes the justification for confidential classification of the information highlighted in the Confidential Exhibit s attached hereto.

5. Confidential Exhibit RGF-3 shows the results of three Florida traffic studies performed by Sprint to identify the percent of Sprint-originated mobile-to-land interMTA traffic delivered by Sprint to AT&T over local interconnection truck groups. This information, which is not available to the public, is proprietary confidential business information and a trade secret within the meaning of §364.183(a) and (e), Florida Statutes. The information is intended to be,

and has been, treated by AT&T and Sprint as confidential, and its disclosure would impair Sprint's competitive business interests. This information is commercially valuable traffic flow and volume data that could assist competitors in developing competitive strategies against Sprint, thus affording Sprint's competitors an unfair advantage and disadvantaging Sprint and its shareholders.

#### Confidential Exhibit RGF-5 of Randy G. Farrar

6. On October 6, 2010, Sprint filed the rebuttal testimony of its witness Randy G. Farrar, including Confidential Exhibit RGF-5 (Sprint Traffic Studies for FL and TN), which was received by the Commission under a claim of confidentiality pursuant to Section 364.183(1), Florida Statutes and provided to AT&T pursuant to the parties' protective agreement. A copy of the redacted version of Exhibit RGF-5 is attached hereto as **Exhibit A-3**. A highlighted copy of the unredacted version of Exhibit RGF-5 is submitted separately as **Confidential Exhibit B-3**. **Exhibit C** includes the justification for confidential classification of the information highlighted in the Confidential Exhibits attached hereto.

7. Confidential Exhibit RGF-5 reveals data derived from Sprint traffic studies that show minutes of use delivered and transited to Sprint by AT&T over interconnection facilities during a specified time period. This information, which is not available to the public, is proprietary confidential business information and a trade secret within the meaning of §364.183(a) and (e), Florida Statutes, and proprietary carrier network information pursuant to 47 U.S.C. § 222(b) which Sprint is obligated to protect. The information is intended to be, and has been, treated by AT&T and Sprint as confidential, and its disclosure would impair Sprint's competitive business interests. This information is commercially valuable traffic flow and

volume data that could assist competitors in developing competitive strategies against Sprint, thus affording Sprint's competitors an artificial advantage in their ability to compete with Sprint and disadvantaging Sprint and its shareholders.

#### Sprint Confidential Attachment GA DR-3

8. On October 5, 2010, pursuant to Order No. PSC-10-0481-PCO-TP, Sprint provided Commission Staff with a copy of its response to AT&T Georgia's first set of discovery requests in Georgia PSC Dockets 31691 and 31692, except for a portion of such response, which was received by the Commission under a claim of confidentiality pursuant to Section 364.183(1), Florida Statutes and provided to AT&T pursuant to the parties' protective agreement. A copy of the redacted version of Confidential Attachment GA DR-3 is attached hereto as **Exhibit A-4**. A highlighted copy of the unredacted version of Confidential Attachment GA DR-3 is attached hereto as submitted separately as **Confidential Exhibit B-4**. **Exhibit C** includes the justification for confidential classification of the information highlighted in the Confidential Exhibits attached hereto.

9. Confidential Attachment GA DR-3 is a spreadsheet of tickets opened by Sprint in 2010 regarding electronic invoice transmission files that were not timely received from AT&T. This information, which is not available to the public, is proprietary confidential business information and a trade secret within the meaning of §364.183(a) and (e), Florida Statutes, and proprietary carrier network information pursuant to 47 U.S.C. § 222(b) which Sprint is obligated to protect. The information is intended to be, and has been, treated by Sprint as confidential, and its disclosure would impair Sprint's competitive business interests and possibly that of AT&T. This information is commercially valuable, in that identifies internal confidential communications and transactions (including specific applications utilized) between Sprint and

AT&T, thus affording Sprint's competitors an artificial advantage in their ability to compete with Sprint and disadvantaging Sprint and its shareholders.

#### Rebuttal Testimony of AT&T Witness James W. Hamiter

10. On October 6, 2010, AT&T Florida filed its Rebuttal Testimony of James W. Hamiter in this docket, along with a Notice of Intent to Request Specified Confidential Classification in order to provide Sprint an opportunity to claim confidential classification of certain information contained in such testimony. Pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, this Request is filed within 21 days from the date AT&T filed its Notice of Intent. A copy of the redacted version of Page 4 of Mr. Hamiter's Rebuttal Testimony is attached hereto as **Exhibit A-5**. A highlighted copy of the unredacted version of such page is submitted separately as **Confidential Exhibit B-5**. **Exhibit C** includes the justification for confidential classification of the information highlighted in the Confidential Exhibits attached hereto.

11. On lines 20 through 22 of his Rebuttal Testimony, Mr. Hamiter identifies Sprint CLEC-specific network configuration information that would reveal to competitors on a statewide basis not only where Sprint CLEC services are likely to exist, but where they are likely to be more concentrated. This information, which is not available to the public, is proprietary confidential business information and a trade secret within the meaning of §364.183(a) and (e), Florida Statutes, and proprietary carrier network information pursuant to 47 U.S.C. § 222(b) which Sprint is obligated to protect. The information is intended to be, and has been, treated by Sprint as confidential, and its disclosure would impair Sprint's competitive business interests. This information is commercially valuable, in that it would reveal to competitors the type and

volume of certain traffic delivered to and transiting Sprint's network, thus affording Sprint's competitors an artificial advantage in their ability to compete with Sprint and disadvantaging Sprint and its shareholders.

12. Upon a finding that the information highlighted in Exhibits B-1 through B-5 is proprietary confidential business information, such information should not be declassified for a period of at least eighteen months pursuant to §364.183, Florida Statutes, and should be returned to Sprint as soon as the information is no longer necessary for the Commission to conduct its business.

WHEREFORE Sprint respectfully requests that the Commission grant this Request for Confidential Classification.

Respectfully submitted this 27<sup>th</sup> day of October, 2010.

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Marko E. Rule

Marsha E. Rule Rutledge, Ecenia & Purnell, P.A. P.O. Box 551 Tallahassee, FL 32302-0551 (850) 681-6788 Fax: (850) 681-6515 <u>marsha@reuphlaw.com</u>

William R. Atkinson Sprint Nextel 3065 Akers Mill Rd., SE 7<sup>th</sup> Floor Mailstop GAATLD0704 Atlanta, GA 30339 (404) 649-8981 Fax: (404) 649-8980 bill.atkinson@sprint.com

-and-

Joseph M. Chiarelli 6450 Sprint Parkway Mailstop: KSOPHN0214-2A671 Overland Park, KS 66251 (913) 315-9223 Fax: (913) 523-9623 joe.m.chiarelli@sprint.com

Attorneys for Sprint

#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing has been served on the following by electronic and First Class Mail this 27<sup>th</sup> day of October, 2010:

Florida Public Service Commission: Charles Murphy, Esq. Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 Email: cmurphy@psc.state.fl.us AT&T Florida: E. Edenfield/T. Hatch/M. Gurdian c/o Mr. Gregory Follensbee 150 South Monroe Street, Suite 400 Tallahassee, FL 32301-1561 Email: greg.follensbee@att.com

Florida Public Service Commission: Brenda Merritt Room 270G Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 Email: bmerritt@psc.state.fl.us Florida Public Service Commission: Frank Trueblood, Room 270E Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 Email: ftrueblo@psc.state.fl.us

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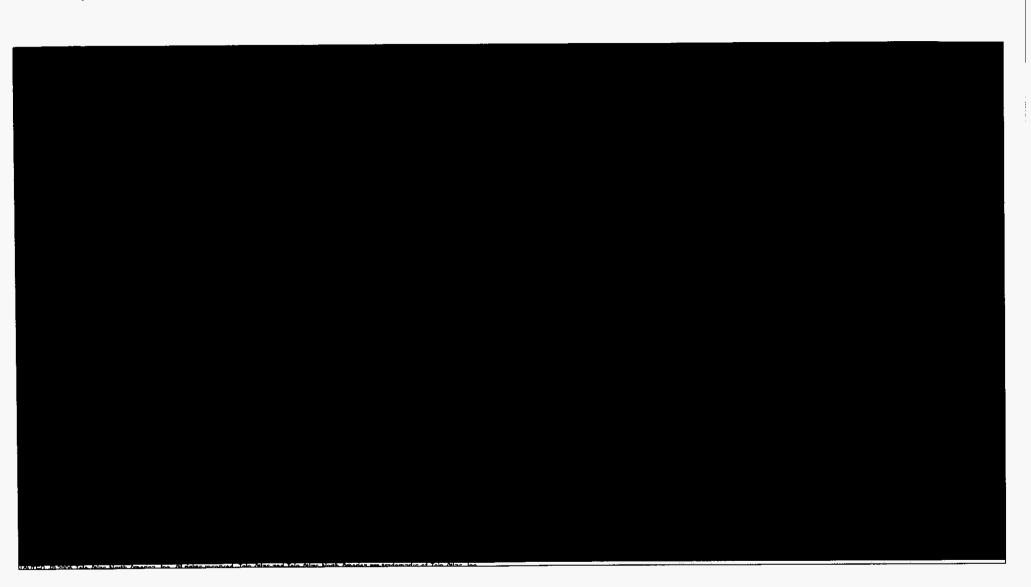
Marsha E. Rule

Exhibit A-1

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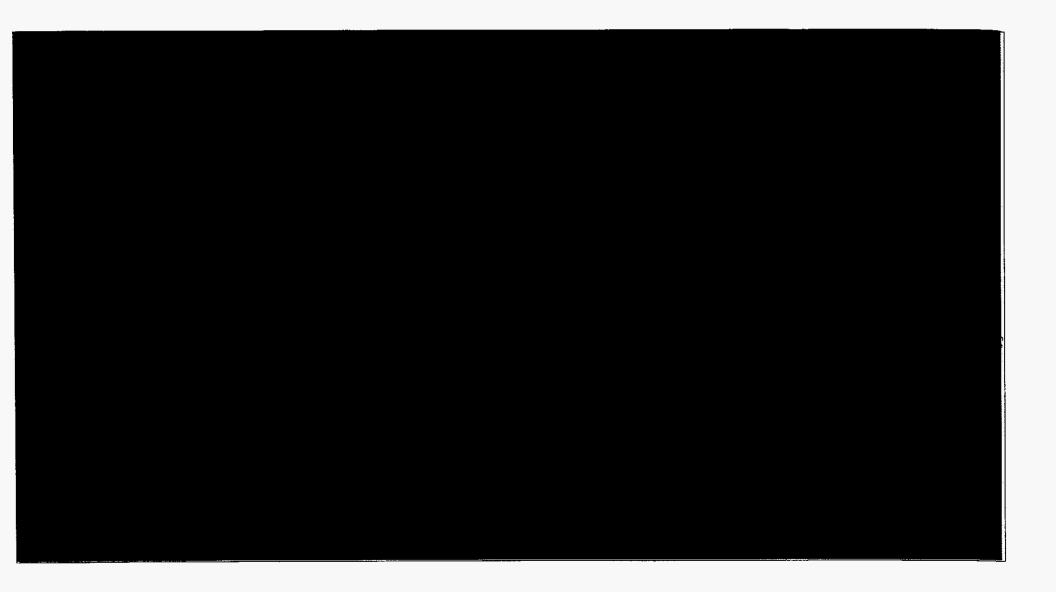




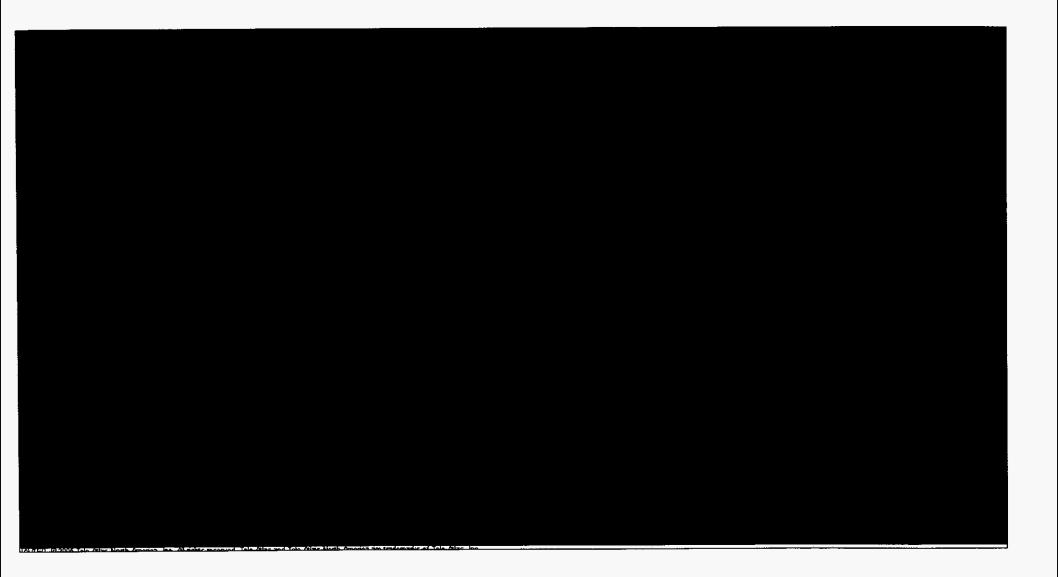
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Docket Nos. 100176-TP & 100177-TP Florida CDMA & iDEN Maps CONFIDENTIAL Exhibit RGF-2 Page 1 of 2

Docket Nos. 100176-TP & 100177-TP Florida CDMA & iDEN Maps CONFIDENTIAL Exhibit RGF-2 Page 2 of 2



Docket Nos. 100176-TP & 100177-TP Florida CDMA & iDEN Maps CONFIDENTIAL Exhibit RGF-2 Page 1 of 2



Docket Nos. 100176-TP & 100177-TP Florida CDMA & iDEN Maps CONFIDENTIAL Exhibit RGF-2 Page 2 of 2

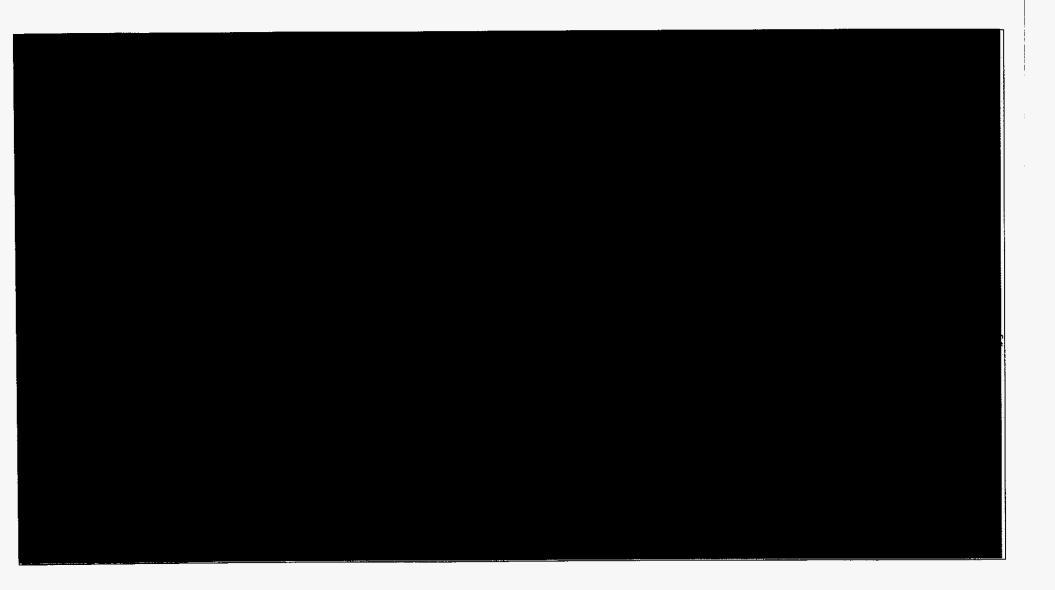


Exhibit A-2

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Docket Nos. 100176-TP & 100177-TP Results of Sprint's Traffic Studies for Florida Confidential Exhibit RGF-3 Page 1 of 1

# **Redacted Version**

#### **RESULTS OF SPRINT'S TRAFFIC STUDIES FOR FLORIDA SPRINT-ORIGINATED MOBILE-TO-LAND INTERMTA FACTORS**

	InterMTA Factor Mobile-to-Land
Date	CDMA (1) iDEN (2)
05/31/09 - 06/06/09	
01/17/10 - 01/23/10	
(1) Sprint network	

(2) Nextel network

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Docket Nos. 100176-TP & 100177-TP Results of Sprint's Traffic Studies for Florida Confidential Exhibit RGF-3 Page 1 of 1

# **Redacted Version**

#### RESULTS OF SPRINT'S TRAFFIC STUDIES FOR FLORIDA SPRINT-ORIGINATED MOBILE-TO-LAND INTERMTA FACTORS

	InterMT Mobile-	
Date	CDMA (1)	iDEN (2)
05/31/09 - 06/06/09		
01/17/10 - 01/23/10		
(1) Sprint network		

(2) Nextel network

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Exhibit A-3

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		CONFIDENTIAL EXHIBI	IT RGF- 5	
		To Sprint PCS in Florida an	a and Tennessee to New Cingula	
	FLO	RIDA	TENN	ESSEE
	Minutes of Use ("MOUs") Delivered by AT&T ILEC to Sprint PCS Over Interconnection Facilities	New Cingular-Originated MOUs Transited by AT&T ILEC to Sprint PCS Over Interconnection Facilities	MOUs Delivered by AT&T ILEC to Sprint PCS Over Interconnection Facilities	New Cingular-Originated MOUs Transited by AT&T ILEC to Sprint PCS Over Interconnection Facilities
5/31/2009 6/1/2009 6/2/2009 6/3/2009				
6/4/2009 6/5/2009 6/6/2009				
Totals				

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Docket Nos. 100176-TP 100177-TP Sprint Traffic Studies for FL and TN Confidential Exhibit RGF-5 Page 1 of 1

		CONFIDENTIAL EXHIBI	T RGF- 5	
		To Sprint PCS in Florida and	a and Tennessee to New Cingula	
	FLO	RIDA	TENN	ESSEE
	Minutes of Use ("MOUs") Delivered by AT&T ILEC to Sprint PCS Over Interconnection Facilities	New Cingular-Originated MOUs Transited by AT&T ILEC to Sprint PCS Over Interconnection Facilities	MOUs Delivered by AT&T ILEC to Sprint PCS Over Interconnection Facilities	New Cingular-Originated MOUs Transited by AT&T ILEC to Sprint PCS Over Interconnection Facilities
5/31/2009				
6/1/2009				
6/2/2009				
6/3/2009				
6/4/2009				
6/5/2009				
6/6/2009				
Totals				

## Exhibit A-4

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APP-B7S, APP-LIP, APP-XVP, APP-KBP Tickets LFM

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# Exhibit A-5

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1		circumstances where the Public Safety Answering Point ("PSAP") needs to
2		isolate a call back to that carrier. Every reasonable effort should be made to avoid
3		blocked or mishandled E911 calls and the risks I have described can and should
4		be avoided. Sprint's proposed language is insufficient to avoid these risks and
5		should be rejected in its present state. AT&T has proposed new language to
6		Sprint in an attempt to cure the defects in that language and is awaiting a
7		response. If Sprint accepts AT&T's new language, this issue will be resolved.
8	ISSU	E # 27 [DPL ISSUE II.D(1)]
9 10 11		Should Sprint be obligated to establish additional Points of Interconnection (POIs) when its traffic to an AT&T tandem serving area exceeds 24 DS1s for three consecutive months?
12 13		Contract Reference: Att. 3, AT&T section 2.3.2 (CMRS); AT&T section 2.6.1 (CLEC); Sprint section 2.3 (CLEC)
14 15	Q.	SPRINT DESCRIBES AT&T'S 24 DS1 THRESHOLD AS "ARTIFICIAL" (FELTON DIRECT AT 18). IS IT?
16	Α.	No. Having a specific threshold is a fair way to create a distributed network
17		architecture based on traffic volumes, and Sprint's argument that the 24 DS1
18		threshold proposed by AT&T is artificial is not supported. Both Sprint CLEC and
19		Sprint CMRS currently have multiple POIs in LATAs in Florida. *** BEGIN
20		CONFIDENTIAL/PROPRIETARY ***
21		
22		*** END
23		CONFIDENTIAL/PROPRIETARY *** Exactly what Sprint means by
24		"artificial" is unclear and it is possible that Sprint still does not understand exactly
25		what AT&T is proposing with its 24 DS1 threshold language. Using Figure 1,
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1		circumstances where the Public Safety Answering Point ("PSAP") needs to		
2		isolate a call back to that carrier. Every reasonable effort should be made to avoid		
3		blocked or mishandled E911 calls and the risks I have described can and should		
4		be avoided. Sprint's proposed language is insufficient to avoid these risks and		
5		should be rejected in its present state. AT&T has proposed new language to		
6		Sprint in an attempt to cure the defects in that language and is awaiting a		
7		response. If Sprint accepts AT&T's new language, this issue will be resolved.		
8	ISSUE # 27 [DPL ISSUE II.D(1)]			
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12 13		Contract Reference: Att. 3, AT&T section 2.3.2 (CMRS); AT&T section 2.6.1 (CLEC); Sprint section 2.3 (CLEC)		
14 15	Q.	SPRINT DESCRIBES AT&T'S 24 DS1 THRESHOLD AS "ARTIFICIAL" (FELTON DIRECT AT 18). IS IT?		
16	A.	No. Having a specific threshold is a fair way to create a distributed network		
17		architecture based on traffic volumes, and Sprint's argument that the 24 DS1		
18		threshold proposed by AT&T is artificial is not supported. Both Sprint CLEC and		
19	Sprint CMRS currently have multiple POIs in LATAs in Florida. *** BEGIN			
20	CONFIDENTIAL/PROPRIETARY ***			
21				
22		*** END		
23		CONFIDENTIAL/PROPRIETARY *** Exactly what Sprint means by		
24		"artificial" is unclear and it is possible that Sprint still does not understand exactly		
25		what AT&T is proposing with its 24 DS1 threshold language. Using Figure 1,		

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### CONFIDENTIAL EXHIBITS B1 THROUGH B-5 [FILED UNDER CONFIDENTIAL COVER]

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# Exhibit C

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EXHIBIT C TO SPRINT'S FIRST REQUEST FOR CONFIDENTIAL CLASSIFICATION

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CONFIDENTIAL INFORMATION	LOCATION	REASON
Exhibit RGF-2	Entire document (both paper and CD)	As explained in Sprint's Request, this information is should remain confidential for national security reasons, and further, is competitively sensitive, confidential and proprietary business information that has been confidentially maintained by Sprint. See §364.183(a) and (e), Fla. Stat.
Exhibit RGF-3	Highlighted portion	As explained in Sprint's Request, this information is competitively sensitive, confidential and proprietary business information that has been confidentially maintained by Sprint. See §364.183(a) and (e), Fla. Stat.
Exhibit RGF-5	Highlighted portion	As explained in Sprint's Request, this information is competitively sensitive, confidential and proprietary business information that has been confidentially maintained by Sprint. See §364.183(a) and (e), Fla. Stat. and 47 U.S.C. § 222(b).
Attachment GA DR-3	Entire Document	As explained in Sprint's Request, this information is competitively sensitive, confidential and proprietary business information that has been confidentially maintained by Sprint. See §364.183(a) and (e), Fla. Stat. and 47 U.S.C. § 222(b).
Hamiter Rebuttal Testimony	Highlighted portion on page 4, lines 20-22	As explained in Sprint's Request, this information is competitively sensitive, confidential and proprietary business information that has been confidentially maintained by Sprint. See §364.183(a) and (e), Fla. Stat.

**State of Florida** 



Hublic Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD TALLAHASSEE, FLORIDA 32399-0850

Marsha E. Rule P.O.Box 551 Tallahassee FL 32301

Re: Acknowledgement of Confidential Filing in Docket No. 100176-TP

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on October 27, 2010, in the above-referenced docket.

Document Number 08954-10 has been assigned to this filing, which will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.