

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Amended Complaint of Qwest Communications Company, LLC against MCImetro Access Transmission Services (d/b/a Verizon Access Transmission Services); tw telecom of florida, l.p.; Granite Telecommunications, LLC; Broadwing Communications, LLC.; Budget Prepay, Inc.; Bullseye Telecom, Inc.; DeltaCom, Inc.; Ernest Communications, Inc.; Flatel, Inc.; Navigator Telecommunications, LLC; PaeTec Communications, Inc.; Saturn Telecommunications Services, Inc. d/b/a EarthLink Business; US LEC of Florida, LLC; Windstream Nuvox, Inc.; and John Does 1 through 50, for unlawful discrimination.

DOCKET NO. 090538-TP

FILED: August 9, 2012

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- X claim of confidentiality
notice of intent
request for confidentiality
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REQUEST FOR CONFIDENTIAL CLASSIFICATION (WEISMAN)

Qwest Communications Company, LLC d/b/a CenturyLink ("QCC") by and through its undersigned counsel and in accordance with Rule 25-22.006, Florida Administrative Code, hereby requests that the Florida Public Service Commission ("Commission") enter an order protecting from public disclosure the portion of the Rebuttal Testimony of Dennis L. Weisman described in Attachment "A" to this Request.1 As grounds for this Request, QCC states:

1. On August 9, 2012, QCC submitted the Rebuttal Testimony of Dennis L. Weisman. A portion of Mr. Weisman's Direct Testimony contains proprietary confidential business information, which is the subject of this request.

2. The information for which QCC seeks confidential classification is information that was provided to QCC by the respondent CLEC in discovery. The CLEC provided the responses under

the terms of a Nondisclosure Agreement (NDA) which designated the information as either "Confidential" or "Lawyers Only Confidential" in accordance with the Agreement's terms. These

distinctions are relevant only as to how the information is handled by the parties, not to the classification of the information on file with the Commission. In accordance with section 364.183,

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1 QCC is also submitting today separate Requests for Confidential Classification for the Rebuttal Testimony of William R. Easton and the Rebuttal Testimony of Derek Canfield.

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^ F.S., and Rule 25-22.006, F.A.C., the information file with the Commission is either “public” or “confidential and exempt” from s. 119.07, F.S. As such, for the purposes of this Request and Attachment A, the term “confidential” encompasses both of these inter-party classifications.

3. Attachment A describes the information for which QCC seeks confidential classification and provides the justification for classifying the information as confidential under section 364.183, F.S.

4. Two redacted copies of the confidential information are provided with this Request, as required by Rule 25-22.006, F.A.C.

5. Under separate cover, QCC is also filing on this same day a single copy of the confidential information with the confidential information highlighted as required by Rule 25-22.006, F.A.C. In addition, all of the documents which contain confidential information include a stamp marking them as Confidential (or, in some cases, “Lawyers Only Confidential” for the purposes of the exchange of information among the parties).

6. Section 364.183(3), F.S., provides:

(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.

(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.

7. The information, which has been designated as confidential by the producing party, would appear to fall under s. 364.183(d), which protects proprietary confidential business information in the form of contractual data and/or under s. 364.183(e), which protects competitively sensitive proprietary confidential business information. QCC is bound by the terms of the parties’ NDA to

protect the confidentiality of this information both in QCC's possession and in QCC's use of the information in this proceeding. Allowing parties to exchange proprietary confidential business information subject to protection under voluntarily executed NDAs facilitates the discovery process.

8. While the information has been in QCC's possession it has been treated as confidential and protected by QCC. However, QCC does not have personal knowledge of, and therefore cannot represent that, such information has been treated as confidential in the possession of the producing party.

WHEREFORE, QCC respectfully requests that the Commission enter an order protecting the information enumerated in Attachment A as proprietary confidential business information that is not subject to public disclosure in accordance with section 364.183, F.S. and Rule 25-22.006, F.A.C.

Respectfully submitted on this 9th day of August, 2012.



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ATTORNEYS FOR QWEST COMMUNICATIONS
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WEISMAN ATTACHMENT "A"

SPECIFIC JUSTIFICATION FOR CONFIDENTIAL CLASSIFICATION

Location of Confidential Information	Description of Confidential Information	Specific Justification
Weisman Rebuttal Testimony, highlighted information on page 24, lines 4 & 5	This information discusses information related to the MCI-ATT switched access agreement that was provided by MCI to QCC in response to discovery in Colorado and designated confidential under the terms of the parties' NDA.	QCC is requesting confidentiality for this information because it has been provided in accordance with the terms of the NDA between QCC and MCI and designated as confidential by MCI. Generally, as claimed by the MCI, the information would appear to fall under s. 364.183(d), which protects proprietary confidential business information in the form of contractual data, or 364.183(e), F.S. which protects competitively sensitive proprietary confidential business information. Further, allowing parties to exchange proprietary confidential business information subject to protection under voluntarily executed NDAs facilitates the discovery process.