

MEMORANDUM

January 7, 1998

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FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (B. KEATING) BK

RE: DOCKET NO. 921074-TP - PETITION OF INTERMEDIA COMMUNICATIONS OF FLORIDA, INC. FOR EXPANDED INTERCONNECTION FOR AAVS WITHIN LEC CENTRAL OFFICES

PSC-98-0061-CFO-TP

Attached is an ORDER GRANTING REQUEST FOR EXTENSION OF CONFIDENTIAL PERIOD FOR DOCUMENT NO. 09341-93 to be issued in the above-referenced docket. (Number of pages in Order - 3)

BK/anr
Attachment
cc: Division of Communications
I: 921074ge.bk

MUST GO TODAY

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united-*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for expanded interconnection for alternate access vendors within local exchange company central offices by INTERMEDIA COMMUNICATIONS OF FLORIDA, INC.

DOCKET NO. 921074-TP
ORDER NO. PSC-98-0060-CFO-TP
ISSUED: January 8, 1998

ORDER GRANTING REQUESTS BY UNITED TELEPHONE COMPANY OF FLORIDA
AND CENTRAL TELEPHONE COMPANY OF FLORIDA FOR CONFIDENTIAL
TREATMENT OF DOCUMENT NOS. 11613-95, 11615-95, AND 12204-95

On October 16, 1992, Intermedia Communications of Florida, Inc. (Intermedia or ICI) filed a petition seeking authorization for Alternative Access Vendors (AAVs) to provide certain services through collocation arrangements in local exchange company (LEC) central offices. In order to address Intermedia's petition, broader questions regarding private line and special access expanded interconnection had to be resolved. In Phase I of this proceeding we addressed expanded interconnection for special access and private line. Phase II was devoted to expanded interconnection for switched access.

On November 20, 1995, United Telephone Company of Florida and Central Telephone Company of Florida (United and Centel) jointly requested confidential classification of cost data supporting their local transport restructure tariff filings, Document No. 11613-95. United and Centel assert that the companies treat this information as confidential and will continue to treat it as confidential once this docket has been closed. On that same day, United and Centel also requested confidential classification of cost data supporting their zone density tariff filings, Document No. 11615-95. The companies assert that they also treat this information as confidential and ask that, upon conclusion of this docket, this information be returned. On December 6, 1995, United and Centel requested confidential treatment of cost data supporting their expanded interconnection tariff filings, Document No. 12204-95. United and Centel assert that this document contains information regarding the hours, labor rates, cost data and total investment percentages for interconnection pricing for United and Centel. United and Centel assert that the companies treat this information as confidential and will continue to treat it as confidential upon conclusion of this docket.

DOCUMENT NUMBER-DATE

00415 JAN-88

FPSC-RECORDS/REPORTING

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.

Specifically, regarding Document No. 11613-95, United and Centel seek confidential treatment of the information in Attachments 1 - 6, page 1 of 1, column B, lines 11 and 12, and the margin information, in column E, lines 1-12, and all information in Columns E-F regarding the Cross-over Points; in Attachment 6A, page 1 of 2, column B, lines 1-23; in Attachment 7, page 1 of 1, Columns B and C, lines 1-14; in Attachment 7A, page 1 of 2, Column B, lines 1-18; in Attachment 8, page 1 of 1, Column B, lines 1-11; in Attachment 9, page 1 of 1, Columns C, E, G, and H, lines 9-11; in Attachment 10, page 1 of 1, Columns C, E, F, and H, lines 9-15; in Attachment 11, page 1 of 1, Columns D, F, G, and I, lines 2, 3, and 10-15; in Attachment 12, page 1 of 1, Columns D, E, G, I, J, and K, lines 2, 3, and 10-15; in Attachment 13, page 1 of 1 Columns C, E, G, and H, lines 6 and 7; in Attachment 14, page 1 of 1, Columns C, E, F, and H, lines 6, 7, and 15; in Attachment 15, page 1 of 1, Columns C, E, G, and H, lines 1-4; in Attachment 16, page 1 of 1, Columns C, E, F, and H, lines 1-4; in Attachment 17, page 1 of 1, Columns C, E, G, and H, lines 4-6; in Attachment 18, page 1 of 1, Columns C, E, F, and H, lines 4-6 and 15; in Attachment 19, page 1 of 1, Columns C, E, G, and H, lines 4-12; in Attachment 20, page 1 of 1, Columns C, E, F, and H, lines 4-15; in Attachment 21, page 1 of 1, Columns C, E, G, and H, lines 4-6; in Attachment 22, page 1 of 1, Columns C, E, F, and H, lines 4-6 and 15; in Attachment 23, page 1 of 1, Columns D, F, G, and I, lines 2-15; in Attachment 24, page 1 of 1, Columns D, E, G, I, J, and K, lines 2, 3, and 10-15; in Attachment 25, page 1 of 1, Columns C, E, G, and H, lines 8 and 9; and in Attachment 26, page 1 of 1, Columns C, E, F, and H, lines 8, 9, and 15.

United and Centel assert that this is information regarding margins, crossover points, incremental cost and investment for local transport restructure pricing for local transport, private line, special access and mobile interconnection. The companies

assert that these services are currently or will soon be subject to competition. United and Centel assert that if this information is disclosed, competitors would be able to determine the minimum price at which United and Centel could sell the services. Competitors would then be at an advantage in pricing their services. United and Centel assert that such an advantage for competitors would harm United and Centel's ability to compete; thereby, depriving consumers of a viable competitor for the services.

Regarding Document No. 11615-95, United and Centel seek confidential treatment of the information in United's Zone Density Cost Study, Attachment 2, page 1 of 4, Column B, lines 1-14; page 2 of 4, Column B, lines 1-20; page 3 of 4, Column B, lines 1-20; and page 4 of 4, Column B, lines 1, 4, and 5. In Centel's Zone Density Cost Study, the information for which confidential treatment is sought is found in Attachment 2, page 1 of 4, Column B, lines 1-14; page 2 of 4, Column B, lines 1-20; page 3 of 4, Column B, lines 1-20; and page 4 of 4, Column B, lines 1, 4, and 5.

United and Centel state that this is also information consisting of incremental costs for zone density pricing for local transport, private line, special access, and mobile interconnection. The companies assert that these services are currently or will soon be subject to competition. United and Centel assert that if this information is disclosed, competitors would be able to determine the minimum price at which United and Centel could sell the services. Competitors would then be at an advantage in pricing their services. United and Centel assert that such an advantage for competitors would harm United and Centel's ability to compete; thereby, depriving consumers of a viable competitor for the services.

Regarding Document No. 12204-95, United and Centel seek confidential treatment of the information in both United's and Centel's Florida Exhibit 1, in line 1, Column D, the dollar amount; in line 2, Column D, the dollar amount; in line 3, Column E, the dollar amount; in line 4, Columns B, C, and D, the hours and the dollar amounts; in line 5, Columns B, C, and d, the hours and the dollar amounts; in lines 6, 7, 8, and 9, Column E, the dollar amounts; in lines 10-15, Columns C and D, the dollar amounts and percentages; and in line 17, Column D, the dollar amount.

United and Centel assert that the information specified consists of hours, labor rates, costs and percentages of total investment for the interconnection of intrastate DSO service by United and Centel. United and Centel state that DSO service is currently subject to competition. United and Centel state that disclosure of this information would allow other providers of the service to determine the minimum price at which United and Centel can sell the service and enable other providers of the services to have a competitive advantage in pricing their service. United and Centel assert that such an advantage for competitors would harm both United and Centel's ability to compete and deprive consumers of a viable competitor for the service.

Upon review, the material is found to be proprietary business information in accordance with Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. Disclosure of this information would impair both United's and Centel's ability to compete. As such, it shall be granted confidential treatment.

Based on the foregoing, it is therefore

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that the November 20, 1995, Requests for Confidential Classification of Document Nos. 11613-95 and 11615-95 jointly submitted by United Telephone Company of Florida and Central Telephone Company of Florida are granted as forth in the body of this Order. It is further

ORDERED that the December 6, 1995, Request for Confidential Classification of Document No. 12204-95 filed by United Telephone Company of Florida and Central Telephone Company of Florida is granted to the extent set forth in the body of this Order. 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 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.

ORDER NO. PSC-98-0061-CFO-TP
DOCKET NO. 921074-TP
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By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 8th day of January, 1998.


J. TERRY DEASON, Commissioner and
Prehearing Officer

(S E A L)

BK

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.

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, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 Records and Reporting, 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.