

MEMORANDUM

FEBRUARY 18, 1998

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FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (B. KEATING)
RE: DOCKET NO. 921074-TP - PETITION OF INTERMEDIA COMMUNICATIONS OF FLORIDA, INC. FOR EXPANDED INTERCONNECTION FOR AAVS WITHIN LEC CENTRAL OFFICES

98-0303-CFO-TP

Attached is an ORDER GRANTING UNITED TELEPHONE COMPANY OF FLORIDA'S REQUEST FOR CONFIDENTIAL TREATMENT OF DOCUMENT NO. 05622-94 to be issued in the above-referenced docket. (Number of pages in Order - 6)

BK/anr
Attachment
cc: Division of Communications
I: 921074U1.bk

See 2

Attachment Not online

26 mailed
from DocTech

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-98-0303-CFO-TP
ISSUED: February 18, 1998

ORDER GRANTING UNITED TELEPHONE COMPANY
OF FLORIDA'S REQUEST FOR CONFIDENTIAL TREATMENT
OF DOCUMENT NO. 05622-94

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 June 28, 1994, United Telephone Company of Florida (Sprint/United or Company) filed a request for confidential classification of certain portions of its response to Staff's Third Request for Production of Documents (PODs) identified in Document No. 05622-94. The information for which the Company seeks confidential treatment was submitted in response to Staff's Third Request for Production of Documents Nos. 4, 8, 10, 11, and 12.

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

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

confidential information, the disclosure of which will cause the Company or its ratepayers harm.

Specifically, Sprint/United seeks confidential treatment of the information in Document No. 05622-94 as set forth in Attachment A, which is incorporated into this Order.

Regarding the information in Notes 1 and 2, the Company states that this contains information on its access and toll markets. The information describes the size of the markets and the revenues available to a competitor. The Company argues that release of this information would aid competitors as they develop marketing and pricing plans, which would, in turn, harm Sprint/United's operations and customers.

Regarding Note 3, the Company states that this note contains information on the basic methodology and assumptions used to develop the impact on the Company's access and toll revenues from the introduction of expanded interconnection and access and toll competition. The Company asserts that this information is not available elsewhere. Sprint/United argues that this information would be very valuable to its competitors in developing marketing and pricing strategies which would, in turn, harm Sprint/United's operations and customers.

The Company asserts that the information in Note 4 consists of competitive strategies and growth potential for the Company's switched and special access, intraLATA toll and local exchange service markets. The Company asserts that this information is not available elsewhere. Sprint/United argues that this information would also be very valuable to its competitors in developing marketing and pricing strategies which would, in turn, harm Sprint/United's operations and customers.

Regarding Note 5, the Company states that this contains information on the fiber cable utilization factor, which is essential to the development of the Company's Light Link Cost Study. The Company asserts that this information is not readily available elsewhere and depends on a number of analyses. Sprint/United argues that this information would also be very valuable to its competitors in developing marketing and pricing strategies which would, in turn, harm Sprint/United's operations and customers.

The Company states that Note 6 contains information on a variety of cost factors and investment data that are essential to the development of the Company's Light Link Cost Study. The

Company asserts that this information is not available elsewhere. Sprint/United argues that this information would be very valuable to its competitors in developing marketing and pricing strategies which would, in turn, harm Sprint/United's operations and customers.

Regarding Note 7, the Company states that this contains information on the fiber cable utilization factor that is essential to the development of the TransLink Cost Study. The Company asserts that this information is not readily available elsewhere and depends on a number of analyses. Sprint/United argues that this information would also be very valuable to its competitors in developing marketing and pricing strategies, which would, in turn, harm Sprint/United's operations and customers.

The Company states that Note 8 also contains information on the cost factors that are essential to the development of the TransLink Cost Study. The Company asserts that this information is not readily available elsewhere and depends on a number of analyses. Sprint/United argues that this information would also be very valuable to its competitors in developing marketing and pricing strategies which would, in turn, harm Sprint/United's operations and customers.

Regarding Note 9, Sprint/United states that this contains information on the incremental cost data relating to tandem switching. This cost data, asserts the Company, supplies some of the elements for pricing the Company's operations and customers. Sprint/United argues that this information would also be very valuable to its competitors in developing marketing and pricing strategies which would, in turn, harm Sprint/United's operations and customers.

Regarding Note 10, the Company argues that this contains information on the switched access demand and revenue data, on an interexchange carrier-by-interexchange carrier, route-by-route specific basis. The Company asserts that this information was developed by it, and the information is not available elsewhere. Again, Sprint/United argues that this information would also be very valuable to its competitors in developing marketing and pricing strategies, which would, in turn, harm Sprint/United's operations and customers.

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

ORDER NO. PSC-98-0303-CFO-TP
DOCKET NO. 921074-TP
PAGE 4

this information would impair Sprint/United'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 United Telephone Company of Florida's Request for Confidential Classification of Document No. 05622-94 is hereby 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-98-0303-CFO-TP
DOCKET NO. 921074-TP
PAGE 5

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 18th day of February, 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.

Document No.	Page	Data Point	Line(s)	Columns	Justification
1	2	--	2-18, 20-26	A,B,C	Note 1
	3	--	2-4, 6-7, 9-14, 16, 18, 20-25	A,B,C	Note 2
	4	--	3-4, 6-11, 14-15, 17-22, 25-26, 28- 34, 37-38, 40-46, 49-50, 52-59	A,B,C	Note 1
	5	--	2-11, 13-22, 24-26, 28-34, 38-39, 40-46, 49-50, 52-59	A,B,C	Note 2
	6	--	All lines	None	Note 3
	7	--	All lines	None	Note 3
	8	--	All lines	None	Note 3
	9	--	All lines	None	Note 3
	10	--	All lines	None	Note 3
	11	--	All lines	None	Note 3
	12	--	All lines	None	Note 3
	13	--	All lines	None	Note 3
	14	--	All lines	None	Note 3
	15	--	All lines	None	Note 3
	16	--	2-20, 22-28	A	Note 1
	17	--	2-11, 13-21, 23-25, 27-33	A,B	Note 1
	18	--	2-29, 31-35	A,B	Note 2
	19	--	2-42	A,B	Note 2
	20	--	All lines	None	Note 3

Document No.	Page	Data Point	Line(s)	Columns	Justification
1 (cont.)	21	--	All lines	None	Note 3
	22	--	2-20, 22-28	A,B,C	Note 1
	23	--	2-11, 13-21, 23-25, 27-33	A,B,C,D	Note 1
	24	--	2-29, 31-35	A,B,C,D	Note 2
	25	--	2-4, 6-31, 33-41	A,B,C,D	Note 2
2	1	--	All lines	None	Note 4
3	34	--	14	None	Note 5
	35	--	5, 11	A-E	Note 6
	43	--	3-8	A-F	Note 6
	44	--	4-12	D, F-I	Note 6
	45	--	4-16	C-K	Note 6
	46	--	8-9	C,E,G,H	Note 6
	47	--	8-9, 18	C-K	Note 6
	48	--	3, 5	C-I	Note 6
	49	--	3, 5-6	C-K	Note 6
	50	--	3	D,F,G,I	Note 6
	51	--	3-4	C-K	Note 6
	55	--	10-12	C,E,G,H	Note 6
	56	--	10-12, 18	C,E,F,H	Note 6
	57	--	3-8	C,E,G,H	Note 6
	58	--	3-15	C-K	Note 6
	62	--	3-6	A-I	Note 6
63	--	2-7, 10-14	A,B	Note 6	

Document No.	Page	Data Point	Line(s)	Columns	Justification
3 (cont.)	64	--	1-14	A	Note 6
	65	--	1-4	A-D	Note 6
	66	--	4-10, 17-22, 30-31	A	Note 6
	67	--	4-10, 16-21, 28-29	A	Note 6
	68	--	4-10, 16-21, 29-30	A	Note 6
	69	--	4-10, 17-22, 32-33	A	Note 6
	87	--	2-27	A-D	Note 6
	88	--	2-27	A-D	Note 6
	91	--	3-9, 12	A-C	Note 6
	127	--	10	None	Note 7
	132	--	1-2, 4, 10, 12-13	C-G	Note 8
	133	--	1-20	D-J	Note 8
	134	--	1-22	C-J	Note 8
	135	--	1-22	C-J	Note 8
	136	--	1-2, 4, 11, 13-14	C-G	Note 8
	137	--	1-19	D-J	Note 8
	138	--	1-22	C-J	Note 8
	139	--	1-22	C-J	Note 8
	140	--	1-2, 4, 11, 13-14	C-G	Note 8
	141	--	1-20	D-J	Note 8
	142	--	1-22	C-J	Note 8

Document No.	Page	Data Point	Line(s)	Columns	Justification
3 (cont.)	143	--	1-2, 4, 11, 13-14	C-J	Note 8
	144	--	1-2, 4, 11, 13-14	C-G	Note 8
	145	--	1-19	D-J	Note 8
	146	--	1-22	C-J	Note 8
	147	--	1-22	C-J	Note 8
	148	--	1-2, 4, 11, 13-14	C-G	Note 8
	149	--	1-20	D-J	Note 8
	150	--	1-22	C-J	Note 8
	151	--	1-22	C-J	Note 8
	152	--	1-2, 4, 11, 13-14	C-G	Note 8
	153	--	1-20	D-J	Note 8
	154	--	1-22	C-J	Note 8
	155	--	1-22	C-J	Note 8
	156	--	1-2, 4, 11, 13-14	C-G	Note 8
	157	--	1-19	D-J	Note 8
	159	--	1-22	C-J	Note 8
	160	--	1-2, 4, 11, 13-14	C-G	Note 8
	161	--	1-20	D-J	Note 8
	162	--	1-22	C-J	Note 8
	163	--	1-22	C-J	Note 8
	164	--	1-2, 4, 11, 13-14	C-G	Note 8

Document No.	Page	Data Point	Line(s)	Columns	Justification
3 (cont.)	165	--	1-20	D-J	Note 8
	166	--	1-22	C-J	Note 8
	167	--	1-22	C-J	Note 8
	168	--	1-2, 4, 11, 13-14	C-G	Note 8
	169	--	1-20	D-J	Note 8
	170	--	1-22	C-J	Note 8
	171	--	1/22	C-J	Note 8
	172	--	1-2, 4, 11, 13-14	C-G	Note 8
	173	--	1-20	D-J	Note 8
	174	--	1-22	C-J	Note 8
	175	--	1-22	C-J	Note 8
	176	--	1-2, 4, 11, 13-14	C-G	Note 8
	177	--	1-20	D-J	Note 8
	178	--	1-22	C-J	Note 8
	179	--	1-22	C-J	Note 8
	180	--	1-2, 4, 11, 13-14	C-G	Note 8
	181	--	1-20	D-J	Note 8
	182	--	1-22	C-J	Note 8
	183	--	1-22	C-J	Note 8
	184	--	1-2, 4, 11, 13-14	C-G	Note 8
	185	--	1-19	C-J	Note 8
	186	--	1-22	C-J	Note 8

Document No.	Page	Data Point	Line(s)	Columns	Justification
3 (cont.)	187	--	1-22	C-J	Note 8
	188	--	1-2, 4, 11, 13-14	C-G	Note 8
	189	--	1-20	D-J	Note 8
	190	--	1-22	C-J	Note 8
	191	--	1-22	C-J	Note 8
	192	--	1-2, 4, 11, 13-14	C-G	Note 8
	193	--	1-19	D-J	Note 8
	194	--	1-22	C-J	Note 8
	195	--	1-22	C-J	Note 8
	196	--	1-2, 4, 11, 13-14	C-G	Note 8
	197	--	1-20	D-J	Note 8
	198	--	1-22	C-J	Note 8
	199	--	1-22	C-J	Note 8
	200	--	1-2, 4, 11, 13-14	C-G	Note 8
	201	--	1-20	D-J	Note 8
	202	--	1-22	C-J	Note 8
	203	--	1-22	C-J	Note 8
	204	--	1-2, 4, 11, 13-14	C-G	Note 8
	205	--	1-20	D-J	Note 8
	206	--	1-22	C-J	Note 8
	207	--	1-22	C-J	Note 8
	208	--	1-2, 4, 11, 13-14	C-G	Note 8

Document No.	Page	Data Point	Line(s)	Columns	Justification
3 (cont.)	209	--	1-19	D-J	Note 8
	210	--	1-22	C-J	Note 8
	211	--	1-22	C-J	Note 8
	212	--	1-21	B-H	Note 8
	213	--	1-22 23	B-D None	Note 8
	215	--	0-14, 17-46	B,C-F	Note 8
	216	--	1-22 23	C,F None	Note 8
	217	--	1-15, 18-25, 34-37, 42, 45	B,C,E,F	Note 8
	218	--	1-22 23	B-D None	Note 8
	219	--	1-21 22	C,F None	Note 8
	228	--	3-4, 6-8	A-F	Note 8
	229	--	2-10	D,F-I	Note 8
	230	--	2-15	C-K	Note 8
	231	--	1-3	C,E,G,H	Note 8
	232	--	1-3, 15	C-J	Note 8
	233	--	2, 4	C-I	Note 8
	234	--	2, 4-5	C-K	Note 8
	235	--	2	D,F,G,I	Note 8
	236	--	2-3	C-K	Note 8
	240	--	1, 7-8	C-H	Note 8
	241	--	1-16	C-K	Note 8
	242	--	1, 7-8	C-I	Note 8

Document No.	Page	Data Point	Line(s)	Columns	Justification
3 (cont.)	243	--	1-16	C-K	Note 8
	244	--	4-6	C,E,G,H	Note 8
	245	--	1-17	C-K	Note 8
	249	--	1-6	A-I	Note 8
	250	--	2-7, 10-14	A-B	Note 8
	251	--	1-14	A	Note 8
	252	--	1-6	A-D	Note 8
	253	--	4-10, 17-22, 30-31	A	Note 8
	254	--	4-10, 22-23	A	Note 8
	255	--	2-5, 19-20	A	Note 8
	256	--	4-10, 16-21, 28-29	A	Note 8
	257	--	4-10, 16-22, 31-32	A	Note 8
	258	--	4-10, 16-21, 29-30	A	Note 8
	259	--	4-10, 19-24, 32-33	A	Note 8
	277	--	2-33	A-E	Note 8
	278	--	2-32	A-E	Note 8
281	--	2-3, 6-7, 10, 12-13, 15	A-C	Note 8	
4	1	--	2-12	A	Note 9
	2	--	2-16	C-D	Note 10
	3	--	4-5, 8-9	A-C	Note 10
	4	--	2-15	A-B	Note 10
	5	--	4-10, 15-16	A-J	Note 10

Document No.	Page	Data Point	Line(s)	Columns	Justification
4 (cont.)	6	--	1-43	A-F	Note 10
	7	--	1-41	B-G	Note 10
	8	--	1-43	B-G	Note 10
	9	--	1-43	B-G	Note 10
	10	--	1-41	B-G	Note 10
	11	--	1-41	B-G	Note 10
	12	--	1-41	B-G	Note 10
	13	--	1-41	B-G	Note 10
	14	--	1-41	B-G	Note 10
	15	--	1-43	B-G	Note 10
	16	--	1-41	B-G	Note 10
	17	--	1-41	B-G	Note 10
	18	--	1-43	B-G	Note 10
	19	--	1-37	B-G	Note 10
	20	--	1-41	B-G	Note 10
	21	--	1-43	B-G	Note 10
	22	--	1-39	B-G	Note 10
	23	--	1-43	B-G	Note 10
	24	--	1-39	B-G	Note 10
	25	--	1-40	B-G	Note 10
	26	--	1-43	B-G	Note 10
	27	--	1-41	B-G	Note 10
	28	--	1-43	B-G	Note 10
	29	--	1-41	B-G	Note 10
	30	--	1-41	B-G	Note 10

Document No.	Page	Data Point	Line(s)	Columns	Justification
4 (cont.)	31	--	1-43	B-G	Note 10
	32	--	1-41	B-G	Note 10
	33	--	1-43	B-G	Note 10
	34	--	1-41	B-G	Note 10
	35	--	1-41	B-G	Note 10
	36	--	1-41	B-G	Note 10
	37	--	1-43	B-G	Note 10
	38	--	1-41	B-G	Note 10
	39	--	1-43	B-G	Note 10
	40	--	1-41	B-G	Note 10
	41	--	1-43	B-G	Note 10
	42	--	1-35	B-G	Note 10
	43	--	1-41	B-G	Note 10
	44	--	1-43	B-G	Note 10
	45	--	1-41	B-G	Note 10
	46	--	1-43	B-G	Note 10
	47	--	1-39	B-G	Note 10
	48	--	1-43	B-G	Note 10
	49	--	1-39	B-G	Note 10
	50	--	1-43	B-G	Note 10
	51	--	1-43	B-G	Note 10
	52	--	1-39	B-G	Note 10
	53	--	1-43	B-G	Note 10
	54	--	1-41	B-G	Note 10
	55	--	1-43	B-G	Note 10

Document No.	Page	Data Point	Line(s)	Columns	Justification
4 (cont.)	56	--	1-41	B-G	Note 10
	57	--	1-43	B-G	Note 10
	58	--	1-41	B-G	Note 10
	59	--	1-43	B-G	Note 10
	60	--	1-41	B-G	Note 10
	61	--	1-41	B-G	Note 10
	62	--	1-41	B-G	Note 10
	63	--	1-43	B-G	Note 10
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	65	--	1-41	B-G	Note 10
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	67	--	1-43	B-G	Note 10
	68	--	1-39	B-G	Note 10
	69	--	1-43	B-G	Note 10
	70	--	1-41	B-G	Note 10
	71	--	1-40	B-G	Note 10
	72	--	1-41	B-G	Note 10
	73	--	1-43	B-G	Note 10
	74	--	1-38	B-G	Note 10
	75	--	4-9	None	Note 10