

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into  
pricing of unbundled network  
elements.

DOCKET NO. 990649-TP  
ORDER NO. PSC-00-1372-CFO-TP  
ISSUED: July 31, 2000

ORDER GRANTING REQUESTS FOR CONFIDENTIAL TREATMENT  
OF DOCUMENT NOS. 04668-00, 04767-00, 05398-00, 005893-00,  
06584-00, 06703-00, AND 08303-00

On December 10, 1998, in Docket No. 981834-TP, the Florida Competitive Carriers Association (FCCA), the Telecommunications Resellers, Inc. (TRA), AT&T Communications of the Southern States, Inc. (AT&T), MCIMetro Access Transmission Services, LLC (MCIMetro), WorldCom Technologies, Inc. (WorldCom), the Competitive Telecommunications Association (Comptel), MGC Communications, Inc. (MGC), Intermedia Communications Inc. (Intermedia), Supra Telecommunications and Information Systems (Supra), Florida Digital Network, Inc. (Florida Digital Network), and Northpoint Communications, Inc. (Northpoint) (collectively, "Competitive Carriers") filed their Petition of Competitive Carriers for Commission Action to Support Local Competition in BellSouth's Service Territory. Among other matters, the Competitive Carriers' Petition asked that this Commission set deaveraged unbundled network element (UNE) rates.

On May 26, 1999, this Commission issued Order No. PSC-99-1078-PCO-TP, granting in part and denying in part the Competitive Carriers' petition. Specifically, the Commission granted the request to open a generic UNE pricing docket for the three major incumbent local exchange providers, BellSouth Telecommunications, Inc. (BellSouth), Sprint-Florida, Incorporated (Sprint), and GTE Florida Incorporated (GTEFL). Accordingly, this docket was opened to address the deaveraged pricing of UNEs, as well as the pricing of UNE combinations and nonrecurring charges.

By Order No. PSC-99-1397-PCO-TP, issued July 20, 1999, the procedures for this docket were established and the controlling dates set. A Second Revised Order on Procedure, Order No. PSC-00-0540-PCO-TP, was issued on March 16, 2000, which set forth new filing dates and also the newly refined issues to be addressed in this proceeding. By Order No. PSC-00-2015-PCO-TP, issued June 8, 2000, the filing dates were extended and the procedure for this case was further modified. Pursuant to these Orders, Phase I is

DOCUMENT NUMBER-DATE

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PSC-RECORDS/REPORTING

ORDER NO. PSC-00-1372-CFO-TP  
DOCKET NO. 990649-TP  
PAGE 2

currently set for hearing July 17-19, 2000, and Phase II is set for hearing September 19-22, 2000.

On April 17, 2000, Sprint-Florida, Incorporated and Sprint Communications Company Limited Partnership (Sprint) filed a Request for Confidential Classification (Request) of documents relating to DLC-cost model inputs, Interoffice Transport Model Workpapers, excerpts of the GR-303 Adjustment Cost Study, the DSI Loop incremental cost study, the BRI ISDN/IDSL Cost Additive Summary, the Operator Services Cost Study, and the SS7 Cost Model. Also included in this request are documents relating to Switching Cost Information System Study Workpapers, Interoffice Transport Model Materials Inputs, the ISDN/BRI Cost Support Study, and Workpaper 13, Document No. 04668-00, and cross-referenced Document No. 04767-00. On April 19, 2000, Sprint also filed a Request for Confidential Classification of the CD-Rom containing Sprint's costs studies as filed on April 17, 2000, relating to Document 04767-00, and cross referenced Document No. 04668-00. On May 1, 2000, Sprint filed a Request for Confidential Classification of documents relating to High Capacity Workpaper Schedule B, Work Paper 16, Dark Fiber Workpaper 18, High Capacity loops Supporting Workpapers Schedule A, and an Excerpt from Dark Fiber Cost Studies, Additional Dark Fiber Non-recurring Charges, and Dark Fiber Workpaper 20, as well as the CD-Rom containing the proprietary information in the first five items listed in this request, Document No. 05398-00. Thereafter, on May 11, 2000, Sprint filed a Request for Confidential Classification of a 12-page excerpt from Sprint's response to Staff's Third Request for Production of Documents, Document No. 05893-00. Subsequently, on May 30, 2000, Sprint filed a Request for Confidential Classification regarding the Exhibit of Kent Dickerson, as appended to his supplemental testimony filed May 30, 2000, Document No. 06584-00. On June 1, 2000, Sprint filed a Request for Confidential Classification regarding its Response to Staff's Fourth Request for Production of Documents, No. 16, consisting of four vendor contacts for switching equipment, Document No. 06703-00. On July 10, 2000, Sprint filed a Request for Confidential Classification for Exhibit KWD-5, appended to the Additional Supplemental Direct Testimony of Kent Dickerson, Document No. 08303-00. For each of these documents, Sprint asserts that the information contained therein is proprietary information that Sprint treats as confidential, and that it has not otherwise disclosed.

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, with regard to the April 17, 2000, Request, Sprint seeks confidential treatment for redacted portions of; six pages of the DLC-cost model inputs; 14 pages of the Interoffice Transport Model Workpapers; pages seven through nine of the excerpts of the GR-303 Adjustment Cost Study; the one page of the DSI Loop incremental cost study; pages three and five of the BRI ISDN/IDSL Cost Additive Summary; pages five through eleven of the Operator Services Cost Study; the one page of the SS7 Cost Model; the eighty-three pages of the Switching Cost Information System Study Workpapers; the Interoffice Transport Model Materials Inputs; the two pages of the ISDN/BRI Cost Support Study; and both pages of Workpaper 13. Sprint contends that the information for which the request is submitted includes trade secret and other highly proprietary contractual, competitive or valuable information. Sprint is required by contract to keep certain of the information confidential, and release of the information could impair the efforts of the company or its affiliates to contract for goods or services on favorable terms, thus causing harm to the companies business operations.

In its April 19, Request, Sprint seeks confidential treatment of the CD-ROM containing Sprint's costs studies as filed on April 17, 2000. Sprint asserts that the information for which the request is submitted contains trade secret and other highly proprietary contractual, competitive or valuable information, and thus meets the definition of confidential proprietary business information.

Sprint's May 1, 2000 Request for Confidential Classification includes redacted portions of; a one page excerpt from Dark Fiber Cost Studies relating to Additional Dark Fiber Non-Recurring Charges; four pages of High Capacity Loops Supporting Workpapers,

Schedule A; pages one through four of the High Capacity Workpaper, Schedule B; pages one through 7, and page 9 of Workpaper 16; one page of Dark Fiber Workpaper 18; eight pages of Dark Fiber Workpaper 20; and the single CD-ROM containing the proprietary information in all but the last item listed above.

In its May 12, 2000 Request for Confidential Classification, Sprint seeks confidential treatment of a 12-page excerpt from Sprint's Response to Staff's Third Request for Production of Documents, consisting of Sprint's Financial Plan. On May 30, 2000, Sprint filed a request to keep confidential the redacted portions of the Exhibit of Kent Dickerson, appended to his supplemental testimony which was also filed May 30, 2000. Two days later, on June 1, 2000, Sprint filed a Request pertaining to Staff's Fourth Request for Production of Documents, No. 16, consisting of four vendor contracts for switching equipment. In its July 10, 2000, Request, Sprint seeks confidential treatment of information contained in Confidential Exhibit KWD-5, appended to the Additional Supplemental Direct Testimony of Kent Dickerson, containing six pages with confidential information regarding high capacity loop cost study methods.

For each of these Requests, Sprint asserts that the information contained therein is proprietary information that Sprint treats as confidential and that it has not otherwise disclosed. Sprint further contends that the information consists of either trade secrets, or vendor specific pricing information, the release of which could impair the efforts of Sprint or its affiliates to contract for goods or services on favorable terms, thus causing harm to the company's business operations.

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 disclosed pursuant to a statutory provision, an order of a court or administrative body, or

ORDER NO. PSC-00-1372-CFO-TP  
DOCKET NO. 990649-TP  
PAGE 5

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 all of 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 be detrimental to Sprint's operations, could impair Sprint's ability to compete, and could impair Sprint's ability to contract for goods and services. As such, Sprint's Requests for Specified Confidential Classification regarding Document Nos. 04668-00, 04767-00, 05398-00, 05893-00, 06584-00, 06703-00, and 08303-00, are hereby granted.

Based on the foregoing, it is therefore

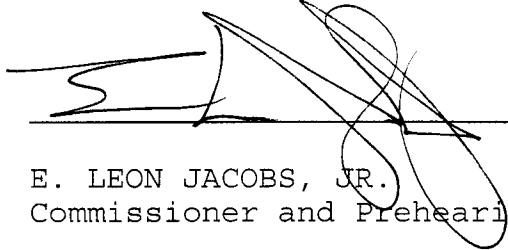
ORDERED by E. Leon Jacobs, Jr., as Prehearing Officer, that Sprint's Requests for Specified Confidential Classification filed on April 17, April 19, May 1, May 12, May 30, June 1, and July 10, 2000, addressing Document Nos. 04668-00, 04767-00, 05398-00, 05893-00, 06584-00, 06703-00, and 08303-00 respectively, are hereby granted.

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the 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-00-1372-CFO-TP  
DOCKET NO. 990649-TP  
PAGE 6

By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, this 31st Day of July, 2000.



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E. LEON JACOBS, JR.  
Commissioner and Prehearing Officer

( S E A L )

WDK

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, 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,

ORDER NO. PSC-00-1372-CFO-TP  
DOCKET NO. 990649-TP  
PAGE 7

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.

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requestion for Photocopying and Mailing

Date 8/2/00

Number of Originals Requested By 16  
Ruth

Copies Per Original 16

Item Presented

Agenda For (Date) \_\_\_\_\_ Order No. 00-1372 In Docket No. 990649  
Notice of \_\_\_\_\_ For (Date) \_\_\_\_\_ In Docket No. \_\_\_\_\_  
Other \_\_\_\_\_

Special Handling Instructions

Distribution/Mailing

Number	Distributed/ Mailed To	Number	Distribution/Mailed To
<u>16</u>	<u>Commission Offices</u>	_____	_____
<u>2</u>	<u>Docket Mailing List - Mailed</u>	_____	_____
<u>32</u>	<u>Docket Mailing List - Faxed</u>	_____	_____

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 19 Verified By Michael  
Date and Time Completed 8/4 Job Checked For Correctness and Quality (Initial) "

Mail Room Verification

Date Mailed \_\_\_\_\_ Verified By \_\_\_\_\_



M E M O R A N D U M

JULY 31, 2000

RECEIVED-PPSC

00 JUL 31 PM 1:40

RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING  
FROM: DIVISION OF LEGAL SERVICES (KNIGHT) *JK*  
RE: DOCKET NO. 990649-TP - INVESTIGATION INTO PRICING OF  
UNBUNDLED NETWORK ELEMENTS.

1372-CFO

Attached is an ORDER GRANTING REQUESTS FOR CONFIDENTIAL  
TREATMENT OF DOCUMENT NOS. 04667-00, 04766-00, 05397-00, 005905-00,  
06583-00, 6702-00, AND 8302-00, to be issued in the above-  
referenced docket. (Number of pages in order - 7)

WDK/anc

Attachment

cc: Division of Competitive Services (Ollila)

I: 990649bc.wdk

*pg 5*

**MUST GO TODAY**

*32/2*