

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for arbitration concerning complaint of Sprint Communications Company Limited Partnership against BellSouth Telecommunications, Inc. regarding failure to comply with interconnection agreement.

DOCKET NO. 000636-TP
ORDER NO. PSC-00-1822-CFO-TP
ISSUED: October 5, 2000

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF DOCUMENTS NOS. 11177-00 and 11243-00

On May 24, 2000, Sprint Communications Company Limited Partnership (Sprint) filed a complaint against BellSouth Telecommunications, Inc. for failure to comply with the parties' interconnection agreement. Therefore, this matter has been set for an administrative hearing.

On September 8, 2000, Sprint prefiled the direct testimony and attached exhibits of witness Richard A. Warner. Along with the prefiled testimony and exhibits, Sprint filed a Request for Confidential Classification of information contained in witness Warner's testimony, which has been identified as Document No. 11177-00 by the Division of Records and Reporting. On September 11, 2000, Sprint filed a Request for Confidential Classification of information contained in witness Warner's Exhibit RAW-1, which has been identified as Document No. 11243-00 by the Division of Records and Reporting. Sprint asserts that the information contains billing information, trade secrets and other highly proprietary contractual, competitive or valuable information. Therefore, Sprint asserts that the information is clearly proprietary and confidential pursuant to Sections 364.24 and 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. Sprint states that the information has not been disclosed. Sprint also states that release of the information could impair the efforts of the company or its affiliates to contract for goods and services on favorable terms, thus causing harm to Sprint's business operations.

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

DOCUMENT NUMBER-DATE

12700 OCT-58

FPSC-RECORDS/REPORTING

ORDER NO. PSC-00-1822-CFO-TP
DOCKET NO. 000636-TP
PAGE 2

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.

Section 364.183(3), Florida Statutes, states that proprietary confidential business information is:

[O]wned 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.

Based on the definition of proprietary confidential business information in Section 364.183(3), Florida Statutes, it appears that the information for which Sprint seeks confidential classification is information that, if disclosed, would cause harm to Sprint's business operations. Thus, this information qualifies as proprietary confidential business information under Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. As such, Sprint's request for confidential classification is hereby granted.

It is therefore

ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that Sprint Communications Company Limited Partnership's Request for Confidential Classification of Documents Nos. 11177-00 and 11243-00 is hereby granted. 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

ORDER NO. PSC-00-1822-CFO-TP
DOCKET NO. 000636-TP
PAGE 3

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Commissioner Lila A. Jaber as Prehearing Officer, this 5th day of October, 2000.



LILA A. JABER
Commissioner and Prehearing Officer

(S E A L)

TV

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 25-22.038(2), 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

ORDER NO. PSC-00-1822-CFO-TP
DOCKET NO. 000636-TP
PAGE 4

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.