

M E M O R A N D U M

May 6, 2002

TO: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

FROM: OFFICE OF THE GENERAL COUNSEL (FUDGE) *gfk*

RE: DOCKET NO. 990649B-TP - INVESTIGATION INTO PRICING OF UNBUNDLED NETWORK ELEMENTS (SPRINT/VERIZON TRACK).

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Attached is an ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO. 14145-01, to be issued in the above-referenced docket. (Number of pages in order - 5)

DATE ORDER SENT ELECTRONICALLY TO CCA

5/6/02.

JKF/anc  
Attachment  
I:990649/vzconf3.wpd

DOCUMENT NUMBER-DATE

04888 MAY-7 2002

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into  
pricing of unbundled network  
elements (Sprint/Verizon track).

DOCKET NO. 990649B-TP  
ORDER NO. PSC-02-0627-CFO-TP  
ISSUED: May 7, 2002

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION  
OF DOCUMENT NO. 14145-01

On November 7, 2001, Verizon Florida Incorporated (Verizon) filed a request for confidential classification. On April 29, 2002, Verizon supplemented that request. In its request, Verizon seeks confidential classification of certain information contained in response to Staff's Amended First Set of Interrogatories (Nos. 1, 2, 12, 14, 15, 20, 21, 54, 55, 66, and 67 (Document No. 14145-01)). Verizon explains that its responses to Interrogatories Nos. 1, 2, 14, 15, 20, and 21 contain highly competitive and strategic information. This information would give competitors an unfair advantage by enabling them to target where to compete against Verizon in the most efficient manner. The responses to Interrogatories Nos. 12, 54, 55, 66, and 67 contain central office, and outside-plant specific data. Attachment A, attached hereto and incorporated herein, contains a detailed justification of the confidentiality of the information at issue. I understand that Verizon treats this information as confidential and it has not otherwise been released.

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.

Section 364.183(3), Florida Statutes, in pertinent part, provides:

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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.

Based on the definition of proprietary confidential business information in Section 364.183(3), Florida Statutes, it appears that 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 would give competitors an unfair advantage by enabling them to target where to compete against Verizon in the most efficient manner. As such, Verizon's Request for Confidential Classification of Document No. 14145-01 is hereby granted.

Based on the foregoing, it is


ORDERED by Braulio L. Baez, as Prehearing Officer, that Verizon Florida Incorporated's Request for Confidential Classification of Document No. 14145-01, as set forth in Attachment A, is hereby granted and incorporated by reference into this Order. It is further

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.

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By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 7th Day of May, 2002.

  
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BRAULIO L. BAEZ  
Commissioner and Prehearing Officer

( S E A L )

JKF

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

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the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, 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.

ATTACHMENT A

Exhibit C

Staff's Amended First Set of Interrogatories  
Nos. 1, 2, 12, 14, 15, 20, 21, 54, 55, 66 and 67

Page/Int. No.	Line(s)/Column(s)	Reason
P. 2/Int. 1-2	L5-7 & 18-20, Col. B	Competitive loss data which would allow competitors to design entry and marketing strategies to ensure success in competing with Verizon.
P. 5/Int. 12 P. 6/Int. 12 P. 24/Int. 54 P. 24/Int. 55	L16-22, Col. C & L27-28 L7-9, Col. C & L12-16 L8 L14	Outside plant specific data detailing breakdown of metallic and fiber facilities in VZ Florida's network. Disclosure would give competitors unfair advantage in designing their network and competing with Verizon.
P. 7/Int. 14 P. 7/Int. 15 P. 9/Int. 20 P. 9/Int. 21	L3-10 L21-23 L1-5 L17-19	Business plans for deployment of ADSL/HDSL, SONET and ATM technologies and deployment strategy for fiber cable in the feeder, interoffice and distribution portion of the network. Disclosure would give competitors unfair advantage by enabling them to know how best to define entry and marketing strategies to compete with Verizon.
P. 27/Int. 66 P. 28/Int. 66 P. 29/Int. 66 P. 30/Int. 67 P. 31/Int. 67 P. 32/Int. 67	L14-19 and L22-28 Columns A and B Columns A and B L5-16; L19-36, col. A-C All lines, col. A-C L1-28, col. A-C	Outside plant specific data identifying location of remote and concentrator locations in VZ Florida's network and projected in the network in VZ's cost model. Disclosure would give competitors unfair advantage in designing their network to compete with Verizon.

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