

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-02-0635-CFO-TP
ISSUED: May 7, 2002

ORDER GRANTING REQUESTS FOR CONFIDENTIAL CLASSIFICATION
OF DOCUMENTS NOS. 00582-02, 00947-02, AND 02291-02

On January 16, 2002, Verizon Florida Incorporated (Verizon) filed a request for confidential classification. In its request, Verizon seeks confidential classification of certain information produced in response to Staff's Second Request for Production of Documents (No. 27 and 44) and Staff's Second Set of Interrogatories (No. 59) (Document No. 00582-02). Verizon explains that its response to Production of Documents No. 27 consists of two confidential spreadsheets. On April 29, 2002, Verizon supplemented this request and indicated that the documents provided in its response to Production of Documents No. 44 are not confidential. Verizon's Response to Interrogatory 59 contains highly confidential competitive information. 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.

On January 25, 2002, Verizon filed a request for confidential classification of certain information produced in response to Staff's Third Request for Production of Documents (No. 49, 50, 53, 57, 58, and 59) (Document No. 00947-02). On April 29, 2002, Verizon supplemented that request. Verizon explains that its Response to Production of Documents Nos. 49, 50, 53, 57, and 58 contain time and motion studies about the operation of and labor and cost components underlying Verizon's network functions. Response to Production of Documents No. 59 contains actual cost data about Verizon's National Market Centers. Attachment B, 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.

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On February 27, 2002, Verizon filed a request seeking confidential classification of certain information produced in response to AT&T/MCI's First Set of Interrogatories (No. 43) and First Request for Production of Documents (Nos. 3, 6, 13, and 14) (Document No. 02291-02). Verizon explains that its response to Interrogatory No. 43 contains forecasted data for UNE, UNE-P, INP-LNP and LineShare. This information details Verizon's second line information, residential and business line penetration and forecasted line growth. Verizon's Response to Production of Documents No. 3 contains SCIS input files. On April 29, 2002, Verizon supplemented this request and indicated that the document provided in response to Production of Documents No. 6 is not confidential. Verizon's Response to Production of Documents No. 13 contains SCIS model and Verizon input files. Verizon's Response to Production of Documents No. 14 contains confidential vendor/Verizon engineering guidelines and practices. Attachment C, 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:

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 its competitors an artificial competitive advantage, allowing them to successfully compete against Verizon without the usual market trial and error. As such, Verizon's Requests for Confidential Classification of Documents Nos. 00582-02, 00947-02, and 02291-02 are hereby granted.

Based on the foregoing, it is


ORDERED by Braulio L. Baez, as Prehearing Officer, that Verizon Florida Incorporated's Requests for Confidential Classification of Documents Nos. 00582-02, 00947-02, and 02291-02, as set forth in Attachments A, B, and C, are 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.



BRAULIO L. BAEZ
Commissioner and Prehearing Officer

(S E A L)

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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

ORIGINAL

ATTACHMENT A

Exhibit C
Staff's Second Set of Interrogatories (No.59)
and Second Request for Production of Documents (Nos. 27 and 44)

PageNos.	Line(s)/Column(s)	Reason
Bates stamped documents 2372-2376 (Int. No. 59)	All data except title and notice at bottom of each slide	This presentation discloses the ongoing efforts of Verizon management to engage in consideration of the fundamental changes and challenges facing the telecommunications industry and how it might best respond to those changes. Public disclosure of Verizon's strategic planning documents could cause serious competitive harm.
Diskette in response to POD No. 27	File: fpscsplit.xls File: fpscstudy.xls	Spreadsheet used to calculate the percentages provided in response to interrogatory 12(b) of Staff's Amended First Set of Interrogatories. Spreadsheet provides the actual footage by wirecenter. Data includes specific data detailing breakdown of metallic and fiber facilities in VZ Florida's network. Disclosure would give competitors and unfair advantage in designing their network. Due to the voluminous nature of this file (in excess of 3000 pages), Verizon requests confidential classification for the entire diskette.
Bates stamped documents 1970-2070 (POD No. 44)		These documents are not confidential. Request made in error.

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ATTACHMENT B ORIGINAL

Exhibit C
 Staff's Third Request for Production of Documents
 Nos. 49, 50, 53, 57, 58 and 59

PageNos.	Line(s)/Column(s)	Reason
POD Nos. 49, 50, 53, 57 and 58	CD-ROM	CD contains Jumper Running and Drive Time studies referenced in witness Richter's direct testimony. The CD contains detailed information about the operation of and labor and cost components underlying Verizon's network functions. This information would be valuable to competitors in designing their own operations and knowing where Verizon might be most vulnerable in terms of its cost structure.
Bates stamped documents 2385-2386 (POD No. 59)	All lines, column B	Source data included in Verizon's Carrier Markets Business Analysis OMT/Local Wholesale Services Business Case Financial Update. This is actual cost data about Verizon's National Market Centers. This information would be valuable to competitors in designing their own operations and knowing where Verizon might be most vulnerable in terms of its cost structure.
Bates Stamped documents 2387-2388 (POD No. 59)	L1-23, col. C, D and E L28-29, dollar amounts All data, columns A-P	Actual cost data from the Florida Wholesale NRC Study. This information would be valuable to competitors in designing their own operations and knowing where Verizon might be most vulnerable in terms of its cost structure.
POD No. 60	Page 76 of Tab A-1 of NRC study	Page was inadvertently omitted from original filing on 11/7/01. Confidentiality already approved per order PSC-02-0427-CFO-TP.

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ATTACHMENT C

Exhibit C
 AT&T/MCI's First Set of Interrogatories (No. 43)
 AT&T/MCI's First Request for Production of Documents (Nos. 3, 6, 13 and 14)

Page Nos.	Line(s)/Column(s)	Reason
Bates Nos. 2530-2533 (Int. No. 43)	Col. A through M	These documents contain forecasted data for UNE, UNE platform (UNE-P), number portability and line sharing. This information reveals forecasted wholesale line growth. This kind of forecasting information is considered competitively sensitive by both Verizon and the CLECs as it would give competitors an artificial advantage in knowing where to target entry or expansion.
Bates Nos. 2534-2536 (Int. No. 43)	Col. B through I	Data contains processing error reports. Public disclosure of this information would disadvantage Verizon by revealing operational details.
Bates No. 2538, 2564 Bates No. 2539 Bates No. 2540 Bates No. 2541 Bates No. 2543, 2569 Bates No. 2544, 2570 Bates No. 2565 Bates No. 2566 Bates No. 2567 Bates No. 2590, 2602 Bates No. 2591 Bates No. 2592, 2598 Bates No. 2593, 2599 Bates No. 2594, 2600 Bates No. 2596, 2608 Bates No. 2597 Bates No. 2601, 2607 Bates No. 2603 Bates No. 2604, 2610 Bates No. 2609 CD provided in response to POD No. 13	L47-49 L111-114, 117 L148-151 L191-195 L238-242 L280 L111-114 L150-151 L192, 193, 195 L41 L87-90 L120-123, 128-131 L166-168, 170, 179-182 L194-195 L41 L87-90 L24-25 L87-89 L120, 130-131 L87-89	This information discloses the inputs used in the SCIS model. The highlighted information is considered confidential by Telecordia, which owns the SCIS model, as well as by Verizon, because it involves Verizon-specific customer demand data. Disclosure of the information would give competitors an unfair advantage in designing entry and marketing strategies to ensure success in competing with Verizon.
Bates No. 2613 (POD No. 6)		This document is not confidential. Request made in error.
Bates No. 2615-2645	All highlighted information	Virtually the entire document is confidential and highly competitively sensitive. It is a network planning document that addresses very specific guidelines for deployment of advanced technologies throughout Verizon's operations throughout the U. S. The documents, for instance, contain the actual percentage take rates for DSL; pre-positioning requirements between Verizon East and Verizon West, standard software releases on new DLC configurations, switch interface configurations, Verizon East vs. Verizon West market strategies, economic decisions including dollar figures, pre-positioning and deployment criteria and confidential personnel information.

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