

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of ALEC, Inc.
for enforcement of
interconnection agreement with
Sprint-Florida, Incorporated and
request for relief.

DOCKET NO. 020099-TP
ORDER NO. PSC-02-1211-CFO-TP
ISSUED: September 5, 2002

ORDER GRANTING SPRINT-FLORIDA INCORPORATED'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION AND MOTION FOR PROTECTIVE ORDER FOR
DOCUMENT NO.08673-02

Pursuant to Rule 25-22.006(4), Florida Administrative Code, Sprint-Florida, Incorporated (Sprint), on August 23, 2002, requested confidential treatment for information contained in Document No. 08673-02. This document was submitted through discovery in this docket, a complaint of ALEC, Inc. for enforcement of an interconnection agreement with Sprint.

Documents submitted to governmental agencies in Florida are public records. The only exceptions 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 is based on the concept that government should operate in the "sunshine." Rule 25-22.006(4), 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, provides the following definition for proprietary confidential business information:

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

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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. The term includes, but is not limited to:

- (a) Trade secrets.
- (b) Internal auditing controls and reports of internal auditors.
- (c) Security measures, systems, or procedures.
- (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company or its affiliates to contract for goods or services on favorable terms.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

Rule 25-22.006(4)(c), Florida Administrative Code, requires that the company provide a line-by-line or field-by-field justification of how the information asserted to be confidential qualifies as one of the statutory examples listed in Section 364.183(3), Florida Statutes. If no statutory example is applicable, then the company shall include a statement explaining how the ratepayers or the company's operations will be harmed by disclosure.

Specifically, Sprint seeks confidential treatment for portions of Hearing Exhibit No. 4--Portions of cost studies submitted in the Sprint/MCI arbitration (Docket No. 961230-TP) relating to local switching, transport, annual charge factors, and other direct and common costs. Sprint argues that the information for which the request is submitted, contained in Attachment A of its request, is vendor-specific pricing information (or information from which such information can be derived), trade secrets or other highly proprietary contractual, competitive or valuable information and

thus meets the definition of confidential proprietary information pursuant to Section 164.183(3), Florida Statutes.

Furthermore, Sprint argues that Section 688.002(4), Florida Statutes is instructive on what constitutes a trade secret. This section states that:

(4) "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique, or process that:

(a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and

(b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Sprint further states that the subject information has not been publicly released and Sprint is required by contract to keep certain information confidential. In addition, Sprint states that 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 company's business operations, and could impair the competitive business of the company.

Sprint cites, as justification for the confidential treatment of the materials specified, to orders in which we have found similar information to be confidential. See, Order No. PSC-97-1405-CFO-TP, issued November 10, 1997, In re: Petition by MCI Telecommunications Corporation for arbitration with United Telephone Company of Florida and Central Telephone Company of Florida concerning interconnection rates, terms and conditions, pursuant to the Federal Telecommunications Act of 1996, Docket No. 96-1230-TP and Order No. PSC-02-0451-CFO-TP, issued April 3, 2002, In re: Investigation into pricing of unbundled network elements, Docket No. 990649B-TP.

We concur that the portions of the cost study documentation exhibits specified in Attachment A of its request can be reasonably classified as trade secrets. They are information the public disclosure of which would be harmful to BellSouth's competitive interests. Accordingly, Sprint's request for confidential classification of Document No. 08673-02, to the extent described above, is hereby granted. Sprint's motion for protective order is also hereby granted for as long as this proceeding remains open.

Based upon the foregoing, it is

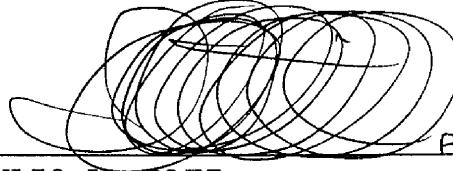
ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that Sprint-Florida, Incorporated's Request for Confidential Classification and Protective Order of Document No. 08673-02 is hereby granted as described in the body of this Order and in Attachment A of the request, which is incorporated hereto by reference. It is further

ORDERED that a protective order is hereby granted for as long as this proceeding remains open. 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 documents specified herein shall expire eighteen (18) months from the date of issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 364.183. 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.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 5th Day of September, 2002.



BRAULIO L. BAEZ
Commissioner and Prehearing Officer

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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 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.

The following Sprint-Florida, Inc. cost study pages of the Sprint/MCI Arbitration-Cost Proceeding were redacted:

Study	Page Number	Line Number	Column
Local Switching/Features	124	1-13, 16-18	B - D
Local Switching/Features	125	2-13	B-O
Local Switching/Features	126	2-9,11,14	B-L
Local Switching/Features	127	3,4,7,8,9,17,18	B-E
Local Switching/Features	127	10,19	B,C
Local Switching/Features	127	12-14	B
Local Switching/Features	127	21,23	C
Transport	73	5-39	B-G,I
Transport	76	5-24	C-I
Transport	77	2-6	C-I
Transport	80	3-34	C-P
Transport	81	2-12	C-P
Transport	82	2-6	C-M
Transport	83	3-8	C-L
Transport	83	12-17	C-L
Annual Charge Factors	176		All Maintenance Factors
Annual Charge Factors	177		All Maintenance Factors
Annual Charge Factors	178	Debt Cost, Debt Percent, Equity Cost, Equity Percent, Capital Cost, Ad Valorem Tax Factor	Second Column
Annual Charge Factors	178		Maintenance Column
Annual Charge Factors	179-240	5-12, 23-25	
Oth. Direct & Com.	246		Columns A and C
Other Direct & Common	247,249,250,251,252	Entire Page	
Other Direct & Common	248	Entire Page except "% Distribution" & "Carry Factors" sections	
Other Direct & Common	253	Entire Page except "Carry Factors" & "Building Usage Analysis" sections	
Other Direct & Common	254		All Access Lines and 1997 Y/E balances
Other Direct & Common	255	All "Investment" & "Expense" Lines	