

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Verizon Florida Inc. to reform intrastate network access and basic local telecommunications rates in accordance with Section 364.164, Florida Statutes.

DOCKET NO. 030867-TL

In re: Petition by Sprint-Florida, Incorporated to reduce intrastate switched network access rates to interstate parity in revenue-neutral manner pursuant to Section 364.164(1), Florida Statutes.

DOCKET NO. 030868-TL

In re: Petition for implementation of Section 364.164, Florida Statutes, by rebalancing rates in a revenue-neutral manner through decreases in intrastate switched access charges with offsetting rate adjustments for basic services, by BellSouth Telecommunications, Inc.

DOCKET NO. 030869-TL

In re: Flow-through of LEC switched access reductions by IXC's, pursuant to Section 364.163(2), Florida Statutes.

DOCKET NO. 030961-TI
ORDER NO. PSC-03-1404-CFO-TL
ISSUED: December 12, 2003

ORDER GRANTING SPRINT'S REQUESTS FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NOS. 11688-03 AND 11796-03)

On August 27, 2003, Verizon Florida Inc. (Verizon), Sprint-Florida, Incorporated (Sprint), and BellSouth Telecommunications, Inc. (BellSouth), each filed petitions pursuant to Section 364.164, Florida Statutes, and respective Dockets Nos. 030867-TL, 030868-TL, and 030869-TL have been opened to address these petitions in the time frame provided by Section 364.164, Florida Statutes. During the 2003 Regular Session, the Florida Legislature enacted the Tele-Competition Innovation and Infrastructure Enhancement Act (Tele-Competition Act or Act). The Act became effective on May 23, 2003.

DOCUMENT NUMBER-DATE

12938 DEC 12 03

FPSC-COMMISSION CLERK

Part of the new Tele-Competition Act is the new Section 364.164, Florida Statutes, whereby the Legislature established a process by which each incumbent local exchange telecommunications carrier (ILEC) may petition the Commission to reduce its intrastate switched network access rate in a revenue-neutral manner. This matter has been set for hearing on December 10-12, 2003.

On November 19, 2003, Sprint-Florida, Incorporated (Sprint) filed a request for confidential classification. In its request, Sprint seeks confidential treatment of certain documents contained in the Direct Testimony of Emeric W. Kapka and Exhibit EWK-1, attached to that testimony (Document No. 11688-03) (See Attachment A to this Order). Thereafter, on November 20, 2003, Sprint filed a Request for Confidential Classification of certain information in Sprint's Response to Request No. 6 of Citizens' First Request for Production of Documents served on the Office of Public Counsel and the Commission on October 30, 2003 (Document No. 11796-03) (See Attachment B to this Order). Attachments A and B are attached hereto and incorporated herein. Sprint contends that that the information for which the Request is submitted is trade secret or other highly proprietary competitive or valuable information and thus meets the definition of confidential proprietary business information pursuant to Section 364.183(3), Florida Statutes. Sprint asserts that this information has not been publicly released. Sprint contends that release of the information could impair the company's competitive interests. Sprint also contends that release of the information could impair the company's ability to compete for, or negotiate with, certain business customers.

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.

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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 in Attachments A and B 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 harm Sprint's competitive business interests and unfairly impair its ability to compete. As such, Sprint's Requests for Confidential Classification identified herein are hereby granted.

Based on the foregoing, it is

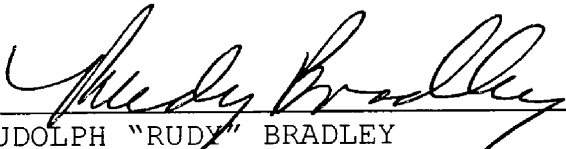
ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that Sprint-Florida, Incorporated's Requests for Confidential Classification of Document Nos. 11688-03 and 11796-03, as set forth in the body of this Order and also in Attachments A and B, which are incorporated herein by reference, are hereby granted. 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

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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 Rudolph "Rudy" Bradley, as Prehearing Officer, this 12th Day of December, 2003.



RUDOLPH "RUDY" BRADLEY
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

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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.

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ATTACHMENT A

Document and Page and Line Numbers	Justification for Confidential Treatment
Highlighted information on page 4, line 19 and page 9, line 9 of the Direct Testimony of Emeric W. Kapka	Contains information relating to Sprint LP's competitive interests, the disclosure of which would impair the competitive business of Sprint LP. Section 364.183(3)(e), F.S.
Highlighted information in column E, lines 1-3, and column F, lines 1-4, of Exhibit EWK-1.	Contains information relating to Sprint LP's competitive interests, the disclosure of which would impair the competitive business of Sprint LP. Section 364.183(3)(e), F.S.

ATTACHMENT A

Sprint's Supplemental Response to Citizens' POD No. 6, "Edge Out" document, page and line numbers	Justification for Confidential Treatment
page 2, highlighted information: lines 2 & 3 and 8-13	Information relating to Sprint's competitive interests, the disclosure of which would impair the Sprint's competitive business. s. 364.183(3)(e), F.S.
page 3, highlighted information: introductory text, lines 1; Box B, lines 3 and 5-17; Box C, lines 2-4 and 7-16; Box D lines 1 & 2 and 4-11	Information relating to Sprint's competitive interests, the disclosure of which would impair the Sprint's competitive business. s. 364.183(3)(e), F.S.
page 4, highlighted information: column A, lines 2-14 and 17; column B, lines 2-4 and 9-19	Information relating to Sprint's competitive interests, the disclosure of which would impair the Sprint's competitive business. s. 364.183(3)(e), F.S.
page 5, highlighted information: lines 1, 5, 10, 14 & 15	Information relating to Sprint's competitive interests, the disclosure of which would impair the Sprint's competitive business. s. 364.183(3)(e), F.S.
page 7, highlighted information: lines 1-3, 5-19, and 21-26	Information relating to Sprint's competitive interests, the disclosure of which would impair the Sprint's competitive business. s. 364.183(3)(e), F.S.
page 8, highlighted information: Box A, lines 2-9; Box B, lines 2-11; Box C, lines 2-14; Box D, lines 2-14	Information relating to Sprint's competitive interests, the disclosure of which would impair the Sprint's competitive business. s. 364.183(3)(e), F.S.
page 9, highlighted information: introductory text, line 2; column A, lines 1, 5-16, 18 and 20-27; column B, lines 6-12	Information relating to Sprint's competitive interests, the disclosure of which would impair the Sprint's competitive business. s. 364.183(3)(e), F.S.
page 10, highlighted information: introductory text, lines 1-3; column A, diagram and lines 2-16; column B, diagram and lines 2-7	Information relating to Sprint's competitive interests, the disclosure of which would impair the Sprint's competitive business. s. 364.183(3)(e), F.S.
page 11, highlighted information: lines 2-7 and 10 & 11	Information relating to Sprint's competitive interests, the disclosure of which would impair the Sprint's competitive business. s. 364.183(3)(e), F.S.
page 12, highlighted information: column A, lines 2-12 and lines 14-23; column B, lines 1-15 and 17-27	Information relating to Sprint's competitive interests, the disclosure of which would impair the Sprint's competitive business. s. 364.183(3)(e), F.S.
page 13, highlighted information: column A, lines 3-20; column B lines 3-14	Information relating to Sprint's competitive interests, the disclosure of which would impair the Sprint's competitive business. s. 364.183(3)(e), F.S.

page 14, highlighted information: introductory text, lines 1, 3 and 4; column A, lines 1 and 3-13 and 16; column B, lines 1-12	Information relating to Sprint's competitive interests, the disclosure of which would impair the Sprint's competitive business. s. 364.183(3)(e), F.S.
page 15, highlighted information: Box A, lines 1-15; Box B lines 1-10 and 12-17; Box C, lines 2-14 and 16-19; Box D, lines 2-10, 12 and 13	Information relating to Sprint's competitive interests, the disclosure of which would impair the Sprint's competitive business. s. 364.183(3)(e), F.S.
page 16, highlighted information: Box A, column A, lines 2 & 18, columns B-F, lines 4-19; Box B, lines 1-8, 10 and 12-25	Information relating to Sprint's competitive interests, the disclosure of which would impair the Sprint's competitive business. s. 364.183(3)(e), F.S.
page 17, highlighted information: introductory text, lines 1 & 2; column A, lines 9-25, column K, lines 6, 10, 11, 14, 16, 18, 23, and 25	Information relating to Sprint's competitive interests, the disclosure of which would impair the Sprint's competitive business. s. 364.183(3)(e), F.S.
page 18, highlighted information: lines 1-7, 9 & 10, and 14-18; Box B, lines 1-5	Information relating to Sprint's competitive interests, the disclosure of which would impair the Sprint's competitive business. s. 364.183(3)(e), F.S.
page 19, highlighted information: lines 1-17	Information relating to Sprint's competitive interests, the disclosure of which would impair the Sprint's competitive business. s. 364.183(3)(e), F.S.
page 20, highlighted information: introductory text, line 1; Box A, lines 2-7; Box B, lines 2-8; Box C, lines 3-11; Box D, lines 1-7; Box E, lines 2-8; and Box F, lines 2-3	Information relating to Sprint's competitive interests, the disclosure of which would impair the Sprint's competitive business. s. 364.183(3)(e), F.S.
page 21, highlighted information: introductory text, line 1; Box A, lines 1-22; Box B, lines 2-19	Information relating to Sprint's competitive interests, the disclosure of which would impair the Sprint's competitive business. s. 364.183(3)(e), F.S.
page 22, highlighted information: introductory text, lines 1; Box A, lines 1-8; Box B, lines 1-8; Box C, lines 1-12, Box D, lines 1-6; Box E, lines 1-7; Box F, lines 1-4	Information relating to Sprint's competitive interests, the disclosure of which would impair the Sprint's competitive business. s. 364.183(3)(e), F.S.
page 23, highlighted information: introductory text, line 1; Box A, lines 1-6; Box B, lines 1-6; Box C, lines 1-11; Box D, lines 1-9; Box E, lines 1-7; and Box F, lines 1-4	Information relating to Sprint's competitive interests, the disclosure of which would impair the Sprint's competitive business. s. 364.183(3)(e), F.S.
page 24, highlighted information: introductory text, line 1; Box A,	Information relating to Sprint's competitive interests, the disclosure of which would impair the Sprint's competitive

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lines 2-7; Box B, lines 1 and 3-13; Box C, lines 1 and 3-15; Box D, lines 1, 3-9 and 11-13	business. s. 364.183(3)(e), F.S.
page 25, highlighted information: Box A, lines 2-9; Box B, lines 2-13, Box C, lines 2-12 and Box D, lines 2-12	Information relating to Sprint's competitive interests, the disclosure of which would impair the Sprint's competitive business. s. 364.183(3)(e), F.S.