

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Emergency complaint seeking order requiring BellSouth Telecommunications, Inc. and Verizon Florida Inc. to continue to honor existing interconnection obligations, by XO Florida, Inc. and Allegiance Telecom of Florida, Inc. (collectively, Joint CLECs).

DOCKET NO. 040489-TP
ORDER NO. PSC-05-0222-CFO-TP
ISSUED: February 24, 2005

ORDER GRANTING VERIZON FLORIDA, INC.'S REQUEST
FOR CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO. 06509-04
AND MOTION FOR PROTECTIVE ORDER

On May 21, 2004, in Docket No. 040489-TP, XO Florida, Inc. (XO) and Allegiance Telecom of Florida, Inc. (Allegiance) filed their Emergency Complaint Seeking An Order Requiring BellSouth Telecommunications Inc. (BellSouth) and Verizon Florida Inc. (Verizon) to Continue to Honor Existing Interconnection Obligations. On June 10, 2004, BellSouth filed its Response in Opposition and Motion to Dismiss and Verizon filed its Motion to Dismiss with Supporting Memorandum. By Order No. PSC-04-1083-PCO-TP, issued November 4, 2004, this docket is currently held in abeyance.

On June 10, 2004, Verizon filed a request for confidential classification and a protective order. In its request, Verizon seeks confidential classification of certain information contained in its Motion to Dismiss and Supporting Memorandum (Document No. 06509-04). 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.

DOCUMENT NUMBER-DATE

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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 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 could harm the relevant CLECs by giving their competitors an unfair advantage in developing their own competitive strategies. As such, Verizon’s Request for Confidential Classification of its Motion to Dismiss and Supporting Memorandum and Motion for Protective Order are hereby granted.


Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that Verizon Florida, Inc.’s Request for Confidential Classification of Document No. 06509-04 and Motion for Protective Order, as set forth in Attachment A, which is attached and incorporated herein, is 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

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 J. Terry Deason, as Prehearing Officer, this 24th day of
February, 2005.


J. TERRY DEASON
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; or (2) 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.

EXHIBIT C

DOCUMENT	LINE(S)/COLUMN(S)	REASON
<p>Verizon Florida Inc.'s Motion to Dismiss and Supporting Memorandum filed June 10, 2004</p>	<p>All highlighted text on pages 3 and 8</p>	<p>This is competitively sensitive, confidential and proprietary business information that has been confidentially maintained by Verizon. Disclosure of this information could harm the relevant CLECs by giving their competitors an unfair advantage in developing their own competitive strategies. It would be particularly unfair to disclose this information because similar information about competitive carriers is not made available to the public.</p>