

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for approval of storm cost recovery surcharge, and stipulation with Office of Public Counsel, by Sprint-Florida, Incorporated.	DOCKET NO. 050374-TL ORDER NO. PSC-05-0799-CFO-TL ISSUED: August 3, 2005
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ORDER GRANTING SPRINT-FLORIDA, INCORPORATED'S REQUEST FOR  
CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO. 05112-05

On May 25, 2005, Sprint-Florida, Incorporated (Sprint) filed a Petition for Approval of Storm Cost Recovery Surcharge and Stipulation (Stipulation). The Stipulation involves an agreement between Sprint and the Office of the Public Counsel (OPC) of the facts concerning the extent of storm damage sustained by Sprint, the number of customers affected, and the amount of costs subject to recovery in order for this Commission to determine whether Sprint's Petition meets the criteria set forth in Section 364.051(4), Florida Statutes. The Stipulation also includes the parties' agreement that an abbreviated procedure consistent with Section 120.57(2), Florida Statutes, would be appropriate in this proceeding.

By PAA Order No. PSC-05-0735-PAA-TL, issued July 8, 2005, we approved the substantive portion of Sprint and OPC's stipulation. By Order No. PSC-05-0757-PCO-TL, issued July 19, 2005, I approved the procedural portion of Sprint and OPC's stipulation.

On May 25, 2005, Sprint filed a request for confidential classification pursuant to Section 364.183(12), Florida Statutes. In its request, Sprint seeks confidential classification of lines 4-9 of Column B and line 11 of Exhibit C attached to Attachment A of Sprint's Petition for Approval of Storm Cost Recovery Surcharge and Stipulation (Document No. 05112-05).

Specifically, Sprint asserts that the information contained in this exhibit is confidential and proprietary to Sprint, and its release would impair the competitive business of Sprint. I understand that Sprint 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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FPSC-COMMISSION CLERK

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. This information is related to Sprint’s competitive interests, the disclosure of which could impair Sprint’s competitive business interests. As such, Sprint’s Request for Confidential Classification of certain information contained in Exhibit C to Attachment A of Sprint’s Petition for Approval of Storm Cost Recovery Surcharge and Stipulation is hereby granted.

Based on the foregoing, it is

ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that Sprint-Florida, Incorporated’s Request for Confidential Classification of lines 4-9 of Column B and line 11 of Exhibit C attached to Attachment A of Sprint’s Petition for Approval of Storm Cost Recovery Surcharge and Stipulation (Document No. 05112-05) 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.

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By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 3rd day of August, 2005.

  
LISA POLAK EDGAR  
Commissioner and Prehearing Officer

(SEAL)

AJT

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.