

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition to reduce intrastate switched access rates in revenue-neutral manner pursuant to Section 364.164, Florida Statutes, by ALLTEL Florida, Inc.

DOCKET NO. 050693-TL
ORDER NO. PSC-06-0058-CFO-TL
ISSUED: January 23, 2006

ORDER GRANTING ALLTEL FLORIDA, INC.'S
REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION
OF DOCUMENT NO. 10998-05

I. Case Background

On September 29, 2005, Alltel Florida, Inc. (Alltel), filed a petition pursuant to Section 364.164, Florida Statutes, and this docket was opened to address the petition in the time frame provided by Section 364.164, Florida Statutes. Alltel has committed to terminating its Section 251(f)(1) rural exemption if the petition is approved.¹ By Order Nos. PSC-05-0959-PCO-TL and PSC-05-1130-PCO-TL, the matter was set for hearing. The Office of Public Counsel intervened on October 4, 2005, and a hearing on the matter was held on December 1, 2005. By Order No. PSC-06-0036-FOF-TL, issued January 10, 2006, Alltel's petition was denied.

On November 16, 2005, Alltel filed a Request for Confidential Classification. In its request, Alltel seeks confidential classification of information contained in its responses to Staff's Second Set of Interrogatories Nos. 65, 67, 68 (Document No. 10998-05). Attachment A, attached hereto and incorporated herein, contains a detailed justification of the confidentiality of the information at issue. I understand that Alltel treats this information as confidential and it has not otherwise been released.

II. Analysis

Florida law presumes that documents submitted to governmental agencies are public records. The only exceptions to this presumption are the specific statutory exemptions provided in the law and exemptions granted by governmental agencies under the specific terms of a statutory provision. This presumption is based on the concept that government should operate in

¹ Section 251(f)(1) of the Act provides that a rural telephone company is exempt from the requirements of section 251(c) unless the state commission finds that the rural carrier has received a bona fide request for interconnection, services, or network elements, and the state commission determines that the request "is not unduly economically burdensome, is technically feasible, and is consistent with section 254 (other than subsections (b)(7) and (c)(1)(D) thereof)." Section 251(f)(2) of the Act permits LECs "with fewer than 2 percent of the Nation's subscriber lines installed nationwide" to petition a state commission for suspension or modification of application of one or more requirements of sections 251(b) or 251(c). Alltel has committed to waiving this exemption if its petition is granted.

DOCUMENT NUMBER-DATE

00634 JAN 23 06

FPSC-COMMISSION CLERK

the “sunshine.” Rule 25-22.006 (4)(c), Florida Administrative Code, places the burden on the company to demonstrate that received 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 harm the company or its ratepayers.

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, 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 Alltel by giving its competitors an unfair advantage in developing their own competitive strategies. As such, Alltel’s Request for Specified Confidential Classification of its responses to Staff’s Second Set of Interrogatories Nos. 65, 67, 68 (Document No. 10998-05) is hereby granted.

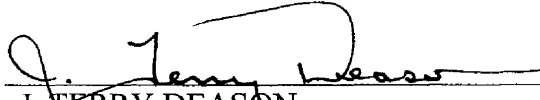
Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that Alltel Florida, Inc.’s Request for Confidential Classification of Document No. 10998-05, 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 shall be the only notification by the Commission to Alltel Telecommunications, Inc. concerning the expiration of the confidentiality time period.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 23rd day of January, 2006.



J. TERRY DEASON
Commissioner and Prehearing Officer

(S E A L)

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.

ATTACHMENT A

Document and Page and Line Numbers	Justification for Confidential Treatment
Staff Second IRR, No. 65, page 1, line (b), percentage data	Reflects Alltel's DSL penetration percentage. This data reflects market share information for services subject to competition. Disclosure of this information will harm Alltel's competitive business interests, because similar info about Alltel's competitors is not available, resulting in a competitive disadvantage to Alltel if its data is disclosed. (s. 364.183(3) (e), F.S.)
Staff Second IRR, No. 67: page 1, Cols 2000-2004, line 1	Reflects Alltel's originating access minutes of use for 2000-2004. This data reflects market share information for services subject to competition. Disclosure of this information will harm Alltel's competitive business interests, because similar info about Alltel's competitors is not available, resulting in a competitive disadvantage to Alltel if its data is disclosed. (s. 364.183(3) (e), F.S.)
Staff Second IRR, No. 68: page 1, Cols 2000-2004, line 1	Reflects Alltel's terminating access minutes of use for 2000-2004. This data reflects market share information for services subject to competition. Disclosure of this information will harm Alltel's competitive business interests, because similar info about Alltel's competitors is not available, resulting in a competitive disadvantage to Alltel if its data is disclosed. (s. 364.183(3) (e), F.S.)