

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for recovery of intrastate costs and expenses relating to repair, restoration and replacement of facilities damaged by Hurricane Dennis, by GTC, Inc. d/b/a GT Com.

DOCKET NO. 060300-TL  
ORDER NO. PSC-06-0552-CFO-TL  
ISSUED: June 27, 2006

ORDER GRANTING GT COM'S REQUEST FOR SPECIFIED  
CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO. 05359-06

On March 31, 2006, GTC, Inc. d/b/a GT Com (GT Com) filed its Petition for Recovery of Costs Pursuant to Section 364.051(4), Florida Statutes. GT Com requests the Commission approve recovery of its intrastate costs and expenses relating to repairing and restoring lines, plant and facilities damaged by Hurricane Dennis in 2005.

An administrative hearing will be held on this matter on June 28, 2006.

On June 21, 2005, GT Com filed a request for specified confidential classification. In its request, GT Com seeks confidential classification of information contained in its response to our staff's First Set of Interrogatories Nos. 2 and 13 and Request for Production of Documents No. 2. (Document No. 05359-06). GT Com asserts these responses contain proprietary confidential business information. Attachment A, attached hereto and incorporated herein, contains a detailed justification of the confidentiality of the information at issue. I understand that GT Com 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.

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

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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 GT Com by giving its competitors an unfair advantage in developing their own competitive strategies. As such, GT Com's Request for Specified Confidential Classification of information contained in its responses to our staff's First Set of Interrogatories Nos. 2 and 13 and Request for Production of Documents No. 2 (Document No. 05359-06), is hereby granted.

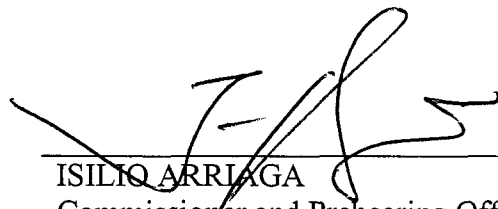
Based on the foregoing, it is

ORDERED by Commissioner Isilio Arriaga, as Prehearing Officer, that GT Com Telecommunications, Inc.'s Request for Specified Confidential Classification of Document No. 05359-06, 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 Isilio Arriaga, as Prehearing Officer, this 27<sup>th</sup> day of  
June, 2006.

  
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ISILIO ARRIAGA  
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; 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

<u>Proprietary Information</u>	<u>Explanation of Proprietary Information</u>
Response to Staff Interrogatory No. 2; Lines 5-7	This information reveals GT Com's benefits-to-payroll ratio and constitutes proprietary confidential business information pursuant to §364.183(3)(e).
Response to Staff Interrogatory No. 13; Lines 1-7	This information would provide competitors with information regarding market penetration of certain services and the effect of competitive activity in GT Com's service territory and constitutes proprietary confidential business information pursuant to §364.183(3)(e).
Response to Staff POD No. 2	GT Com's response to staff's POD No. 2 consists of a private contract between GT Com and Tracom, Incorporated and constitutes proprietary confidential business information pursuant to §364.183(3)(e).