

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition by Verizon Florida Inc. for resolution of dispute with XO Communications Services, Inc. concerning non-UNE transport facilities retained at UNE prices.

DOCKET NO. 060479-TP  
ORDER NO. PSC-06-0866-CFO-TP  
ISSUED: October 20, 2006

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION  
OF DOCUMENT NO. 05803-06

On October 5, 2006, Verizon Florida, Inc. (Verizon) filed a request for confidential classification. In its request, Verizon seeks confidential classification of information contained in its Petition for Dispute Resolution with XO Communications Services, Inc., filed on June 28, 2006, and in the exhibits filed with that Petition. (Document No. 05803-06). Attachment A, attached hereto and incorporated herein, contains a detailed justification of the confidentiality of the information at issue. Verizon asserts that it treats this information as confidential and that 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 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 Verizon by giving competitors an unfair advantage in developing their own marketing strategies to compete with XO or

DOCUMENT NUMBER-DATE

09654 OCT 20 06

FPSC-COMMISSION CLERK

Verizon. As such, Verizon's Request for Confidential Classification (Document No. 05803-06), is hereby granted.

Based on the foregoing, it is

ORDERED by Commissioner Isilio Arriaga, as Prehearing Officer, that Verizon Florida Inc.'s Request for Confidential Classification 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, any confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 364.183. 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 20th day of October, 2006.



\_\_\_\_\_  
ISILIO ARRIAGA  
Commissioner and Prehearing Officer

( S E A L )

JKF

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 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.

EXHIBIT 1

DOCUMENT	LINE(S)/COLUMN(S)	REASON
Petition, pages 1, 8, 9, and 11  Exhibit 5 Exhibit 10 Exhibit 11 Exhibit 12 Exhibit 13 Exhibit 14 Exhibit 15 Exhibit 16	All highlighted text showing how many and what kind of facilities XO takes from Verizon, and out of which wire centers	All of this information is competitively sensitive, confidential and proprietary business information of XO. To Verizon's knowledge, it has been confidentially maintained by XO, and Verizon is not authorized to disclose it. Disclosure of this information about the nature and extent of XO's operations in particular locations could give XO's competitors an unfair advantage in developing their own competitive strategies.
Exhibit 18	All highlighted text showing the number of fiber-based collocators and business lines in specific Verizon wire centers	All of this information is competitively sensitive, confidential and proprietary business information of Verizon, and Verizon maintains it as confidential. Disclosure of this information about the number of fiber-based collocators and business lines in specific wire centers would give carriers who review it an unfair competitive advantage because it reveals the types and volumes of wholesale services Verizon is selling in particular areas. This detailed information about particular locations could give reviewing carriers an unfair advantage in developing their own entry and marketing strategies.