

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for waiver of carrier of last resort obligations for multitenant property in Collier County known as Treviso Bay, by Embarq Florida, Inc. | DOCKET NO. 060763-TL
ORDER NO. PSC-07-0056-CFO-TL
ISSUED: January 19, 2007

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF DOCUMENT NO. 11434-06

On December 13, 2006, Embarq Florida, Inc. (Embarq) filed a request for confidential classification. In its request, Embarq seeks confidential classification of certain information contained in direct testimony filed with Embarq's amended petition for relief from its carrier of last resort obligation at Treviso Bay. (Document No. 11434-06). The following documents or excerpts from documents are the subject of Embarq's request:

- a) Highlighted information on pages 5 of Direct Testimony of Michael J. DeChellis.
- b) Highlighted information on pages 3, 4, and 5 of Testimony of Kent W. Dickerson.
- c) Entire Exhibit KWD- 1, attached to the Direct Testimony of Kent W. Dickerson.
- d) Highlighted information on line 1 - 12 of column 2, and lines 13-23 of columns 2-21 of Exhibit KWD-2, attached to the Direct Testimony of Kent W. Dickerson.

Embarq asserts that it treats this information as confidential and that it has not otherwise been released. Embarq claims that the information concerns the location and type of Embarq's facilities, information concerning Embarq's projected penetration rates and information concerning Embarq's costs and revenues, or information from which this information could be derived. Embarq claims that disclosure of this information would impair Embarq's competitive interests; and that protection of the location and type of Embarq's facilities is necessary to protect Embarq's security interests.

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

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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 Embarq's competitive interests, as well as its security interests. As such, Embarq's Request for Confidential Classification of Document No. 11434-06 is hereby granted.


Based on the foregoing, it is

ORDERED by Commissioner Matthew M. Carter II, as Prehearing Officer, that Embarq Florida Inc.'s Request for Confidential Classification of Document No. 11434-06 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 Matthew M. Carter II, as Prehearing Officer, this 19th day of January, 2007.


MATTHEW M. CARTER II
Commissioner and Prehearing Officer

(SEAL)

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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.