

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by BellSouth
Telecommunications, Inc. against Thrifty Call,
Inc. regarding practices in the reporting of
percent interstate usage for compensation for
jurisdictional access services.

DOCKET NO. 000475-TP
ORDER NO. PSC-08-0321-CFO-TP
ISSUED: May 15, 2008

ORDER GRANTING THRIFTY CALL INC.'S REQUEST FOR
SPECIFIED CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO. 01408-08
AND DECLASSIFYING A PORTION OF DOCUMENTS NOS. 08538-04 AND 09605-04

Pursuant to Rule 25-22.006, Florida Administrative Code (F.A.C.), this order grants material in Document No. 01408-08 "specified confidential classification," thereby designating the material as "proprietary confidential business information" within the meaning of Section 364.183(3), Florida Statutes (F.S.). This classification exempts the material from the disclosure requirements of Section 119.07(1), F.S.

On February 21, 2008, Thrifty Call, Inc. (Thrifty Call) filed a Notice of Intent to Request Specified Confidential Classification of its responses to AT&T Florida's (AT&T) Second Set of Production of Documents (Production of Documents), Nos. 20 and 21. The filing also indicated that the documents were responsive to Production of Documents, Nos. 16 and 17. On March 17, 2008, Thrifty Call filed its Request for Specified Confidential Classification of the electronically stored customer information of originating and terminating numbers contained in its responses to Production of Documents, Nos. 16, 17, 20 and 21.

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), F.A.C., 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, F.S., 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), F.S., 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

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order of a court or administrative body, or private agreement that provides that the information will not be released to the public.

Pursuant to Sections 364.183(3), F.S., it appears that the material described herein is proprietary and should be granted confidential status. As such, Thrifty Call's Request for Specified Confidential Classification of the electronically stored customer information of originating and terminating numbers contained in its responses to AT&T's Second Set of Production of Documents, Nos. 16, 17, 20 and 21 (Document No. 01408-08), is hereby granted.

Accordingly, the remainder of Document No. 01408-08 shall be declassified. This material consists of the staff audit previously declassified in Order No. PSC-07-0679-CFO-TP and the field descriptions of the CDs. Because no consumer specific information is contained in the field descriptions, pages 48 through 48-13 in Documents Nos. 08538-04 and 09605-04 shall also be declassified.

Based on the foregoing, it is


ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that Thrifty Call, Inc.'s Request for Specified Confidential Classification of the electronically stored customer information of originating and terminating numbers contained in its responses to AT&T Florida's Second Set of Production of Documents, Nos. 16, 17, 20 and 21 (Document No. 01408-08), is hereby granted. It is further

ORDERED that the remainder of Document No. 01408-08 and pages 48 through 48-13 in Documents Nos. 08538-04 and 09605-04 shall be declassified. It is further

ORDERED that pursuant to Section 364.183, F.S., and Rule 25-22.006, F.A.C., the 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, F.S. 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 Lisa Polak Edgar, as Prehearing Officer, this 15th day of May, 2008.


LISA POLAK EDGAR
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, 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 Office of Commission Clerk, 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.