

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation of Vilaire Communications, Inc.'s eligible telecommunications carrier status and competitive local exchange company certificate status in the State of Florida.	DOCKET NO. 080065-TX ORDER NO. PSC-08-0521-CFO-TX ISSUED: August 12, 2008
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ORDER GRANTING VCI'S REQUEST FOR SPECIFIED CONFIDENTIAL
CLASSIFICATION OF DN 00428-08

Pursuant to Rule 25-22.006, Florida Administrative Code (F.A.C.), this Order grants to material in certain documents "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.

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 pursuant to the specific terms of a statutory provision. The specific statutory exemption applicable here is found in Section 364.183(3), F.S., which has been implemented through Rule 25-22.006, F.A.C.

During the course of this proceeding, Vilaire Communications, Inc. (VCI) filed in this docket certain materials that it claims contain proprietary confidential business information. More specifically, VCI claims that the documents include "proprietary confidential business information, the disclosure of which would provide competitors with knowledge of the Company's business operations and expenditures and may be used by competitors to harm the Company's competitiveness in the market."

The materials subject to the request are contained in DN 00428-08, and were submitted on January 16, 2008, in response to post-audit questions and on April 24, 2008, as Exhibits SJ1-A-SJ1-G and SJ2-A-SJ2-F, attached to the testimony of Stanley Johnson.

Upon review of these materials, it appears that the information contained in DN 00428-08 is proprietary confidential business information within the meaning of Section 364.183, F.S. For this reason, VCI's Petition for Confidential Classification of these materials is granted.

Based on the foregoing, it is

ORDERED by Commissioner Nathan A. Skop, as Prehearing Officer, that VCI's Petition for Confidential Classification of DN 00428-08 is granted. It is further

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ORDERED that the findings in the body of this Order are affirmed in every respect. It is further

ORDERED that pursuant to Section 364.183, F.S., and Rule 25-22.006, F.A.C., 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, F.S. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Commissioner Nathan A. Skop, as Prehearing Officer, this 11th day of August, 2008.



NATHAN A. SKOP
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.