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FILE COPY

March 18, 1991

Steve Tribble, Director  
Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0850

Re: Docket No. 910060-TP

Dear Mr. Tribble:

Enclosed for filing in the above-captioned proceeding on behalf of the Citizens of the State of Florida are the original and 12 copies of Opposition Of The Attorney General And The Citizens To Sprint Gateways' Request For Confidential Classification And Motion For A Permanent Protective Order to be filed in this docket.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Darlene Driscoll

Enclosure

RECEIVED & FILED

TB  
EPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

02639 MAR 18 1991

EPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of the Attorney )  
General and the Public Counsel ) Docket No. 910060-TP  
to adopt rules governing 900 ) Filed: March 18, 1991  
services )  
\_\_\_\_\_ )

**OPPOSITION OF THE ATTORNEY GENERAL AND THE CITIZENS TO SPRINT  
GATEWAYS' REQUEST FOR CONFIDENTIAL CLASSIFICATION AND  
MOTION FOR A PERMANENT PROTECTIVE ORDER**

The Attorney General of Florida ("Attorney General") and the Citizens of Florida ("Citizens") file this opposition to the request for confidential classification and motion for a permanent protective order filed by Sprint Gateways on March 6, 1991.

1. On February 19, 1991 the Florida Public Service Commission staff requested Sprint Gateways to provide the names and addresses of its 900/976 information providers so that the requested information could be noticed and included in an economic impact study.

2. On March 6, 1991 Sprint Gateways filed its request for confidential classification and motion for a permanent protective order. Its pleading states that it provided the Commission one complete response to the staff request and two copies of the response deleting the information claimed to be proprietary by Sprint Gateways. No copies of the response were provided to the parties of record, however.

3. Commission Rule 25-22.006(4)(e) states that the burden of proof is on the utility to show that the material in question contains bona fide proprietary confidential business information. A request for confidential classification that fails to identify the material for which confidential classification is sought in sufficient detail to permit a reasoned analysis may be denied as insufficient on its face. Additionally, part (4)(c) of the rule states that in the line-by-line or field-by-field justification for confidential classification, the utility or other person must demonstrate how the information asserted to be confidential qualifies as one of the statutory examples listed in section 364.183(3), Florida Statutes, or if no statutory example is applicable, the utility must include a statement explaining how the ratepayers or the utility's business operations will be harmed by disclosure.

4. Sprint Gateways' pleading provides but one sentence to meet all of these requirements set forth in sections (4)(c) and (4)(e) of Commission Rule 25-22.006. The pleading claims that "the names and addresses of Sprint Gateways' 900/976 information providers/customers are commercially valuable proprietary information, the disclosure of which would allow Sprint Gateways' competitors to gain an unfair competitive advantage against Sprint Gateways through access to Sprint Gateways' Florida 900 customers." (Sprint Gateways' request for confidential classification and motion for a permanent protective order filed March 6, 1991, at 3).

5. The one sentence justification provided by Sprint Gateways merely provides its conclusion without providing the sufficient detail to permit the reasoned analysis required by the Commission's rule. Sprint Gateways request for confidential classification should be denied on its face because it fails to meet its burden of proof.

6. Sprint Gateways request also ignores the thrust of directives from this Commission and the Federal Communications Commission to make this type of information more open. For example, the order of this Commission granting a certificate to Sprint Gateways requires Sprint Gateways' name to appear on customer's bills regardless of the billing service utilized by Sprint Gateways. In addition, the Commission order requires the 900 information service providers' program name to appear on the customer's bill. Commission order no. 22456 issued January 24, 1990 at 4. A rule recently proposed by the FCC also follows this same thrust. According to a Wall Street Journal article appearing on Friday, March 15, 1991, the Federal Communications Commission proposed a rule on March 14, 1991 that would require long distance carriers to disclose the name, address, and customer service number of any 900 service provider to any customer who asked for the information.

WHEREFORE, the Attorney General and the Citizens respectfully request the Commission to deny Sprint Gateways' request for

confidential classification and motion for a permanent protective order filed on March 6, 1991.

ROBERT A. BUTTERWORTH  
ATTORNEY GENERAL

JACK SHREVE  
PUBLIC COUNSEL

/s/  
Patricia R. Gleason  
General Counsel

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/s/  
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**CERTIFICATE OF SERVICE  
DOCKET NO. 910060-TP**

I HEREBY CERTIFY that a correct copy of the foregoing has been furnished by U.S. Mail or hand-delivery to the following parties on this 18th day of March, 1991.

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/s/  
Charles J. Beck  
Assistant Public Counsel

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