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August 29, 1997

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## VIA HAND DELIVERY

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: In re: Application for certificate to provide interexchange telecommunications service by OnePoint Communications-Georgia, LLC d/b/a OnePoint Communications, Docket No. 971025

Dear Ms. Bayo:

Enclosed for filing in the docket referenced above are the original and 15 copies of OnePoint Communications-Georgia, LLC's ("OnePoint"s): (1) Request for Confidential Classification of Composite Exhibit "C" to OnePoint's Application for Certificate to Provide Interexchange Telecommunications Service ("Application"); and, (2) Request for Confidential Classification of Composite Exhibit "F" to the Application.

For our records, please acknowledge your receipt of this filing on the enclosed copy of this letter.

Thank you for your consideration in this matter.

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This document has been placed in confidential storage pending advice from OPR staff on further handling.

Sincerely,

HOLLAND & KNIGHT LLP

*Karen D. Walker*  
Karen D. Walker

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*Reg. J.S.*  
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Ms. Blanca S. Bayo, Director  
August 29, 1997  
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KDW/sms  
cc: Mr. Randy Long

TAL-114769

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Application for certificate )  
to provide interexchange )  
telecommunications service )  
by OnePoint Communications-Georgia, )  
LLC d/b/a OnePoint Communications )  
\_\_\_\_\_ )

Docket No. 971025-TI

Filed: August 29, 1997

**REQUEST FOR CONFIDENTIAL CLASSIFICATION**

OnePoint Communications-Georgia, LLC d/b/a OnePoint Communications ("OnePoint"), by and through undersigned counsel, pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, requests that the Florida Public Service Commission (the "Commission") classify as confidential Composite Exhibit "F" to OnePoint's application for authority to provide interexchange telecommunications service within the state of Florida (the "IXC Application"). In support of its request, OnePoint states:

1. OnePoint is a start-up company which intends to resell intrastate interexchange telecommunications service within the state of Florida. OnePoint filed its IXC Application with the Commission on August 8, 1997. On that same date, OnePoint filed, under seal, Composite Exhibit "F" to its IXC Application along with a Notice of Intent to Request Confidential Classification of Composite Exhibit "F."

2. Section 364.337, Florida Statutes, states that: "The [C]ommission shall grant a certificate of authority to provide interexchange telecommunications service upon a showing that the applicant has sufficient technical, financial, and managerial capability to provide such service in the geographic area proposed to be served. . . ." § 364.337(3), Fla. Stat. (1995) (emphasis added). Thus, OnePoint is required to show that it has the financial capability to provide interexchange telecommunications service

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in Florida before the Commission can grant it a certificate of authority to provide such service.

3. OnePoint is qualified financially to provide high quality interexchange telecommunications service in Florida. However, because OnePoint is a start-up company, OnePoint's available historical financial information is limited.

4. OnePoint is a wholly-owned subsidiary of OnePoint Communications, LLC ("OnePoint-Consolidated"). In order to demonstrate its financial capability to provide interexchange telecommunications service in Florida, OnePoint filed with the Commission an affidavit of James A. Otterbeck, the Chairman OnePoint-Consolidated, stating that OnePoint-Consolidated will make funds available to OnePoint to enable it to fully and effectively provide interexchange telecommunications service in Florida. OnePoint also filed, under seal, Composite Exhibit "F" to the IXC Application which consists of an unaudited Profit & Loss Statement and an unaudited Balance Sheet for OnePoint-Consolidated.

5. Composite Exhibit "F" to OnePoint's IXC Application was filed under cover of a Notice of Intent to Request Confidential Classification pursuant to Rule 25-22.006, Florida Administrative Code. This request is being filed within 21 days of the date that Composite Exhibit "F" and OnePoint's Notice of Intent to Request Confidential Classification of Composite Exhibit "F" were initially filed with the Commission. Through this request, OnePoint seeks to maintain the continued confidential handling of Composite Exhibit "F."

6. Composite Exhibit "F" is intended to be, and has been treated by OnePoint, as private and has not been disclosed unless disclosed pursuant to a statutory provision, order of a court or administrative body, or private agreement that provides that the information in Composite Exhibit "F" will not be released to the public.

7. Composite Exhibit "F" is entitled to confidential classification pursuant to Section 364.183(1), Florida Statutes, and is exempt from Section 119.07(1), Florida Statutes, and Article I, Section 24(a) of the Florida Constitution. Section 364.183(3) defines "proprietary confidential business information" as:

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.

§ 364.183(1), Fla. Stat. (Supp. 1996). Section 364.183(3) further provides that "proprietary confidential business information" includes "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information." § 364.183(3)(e), Fla. Stat. (Supp. 1996).

8. Composite Exhibit "F" constitutes "proprietary confidential business information" within the meaning of that term as described in Section 364.183(3). Composite Exhibit "F" contains an unaudited Profit & Loss Statement and an unaudited Balance Sheet for OnePoint-Consolidated. These documents reflect OnePoint-Consolidated's expenses, revenues, assets, liabilities and shareholders' equity as of

December 31, 1996. The disclosure of these financial statements could impair the ability of OnePoint-Consolidated, and its affiliated companies, to effectively operate in a competitive telecommunications market because public disclosure of the financial statements would allow competitors to have access to information about the financial resources and stability of OnePoint-Consolidated. Accordingly, public disclosure of Composite Exhibit "F" would irreparably harm OnePoint.<sup>1</sup>

9. Attached hereto in a sealed envelope is a copy of Composite Exhibit "F" for which confidential classification is requested. Also attached hereto are edited copies of Composite Exhibit "F" on which the confidential material has been redacted. All of the information contained in Composite Exhibit "F" is confidential. Thus, it is not possible to edit out confidential portions of the exhibit. Additionally, because Composite Exhibit "F" is confidential in its entirety for the reasons described above, there is no basis for articulating a line-by-line justification for the confidential treatment of the information. OnePoint, however, has summarized the confidential information contained in Composite Exhibit "F" in this Request for Confidential Classification.

10. Because of the dynamic nature of competition in the telecommunications industry, OnePoint is unable to provide a date by which Composite Exhibit "F" will no longer be "proprietary confidential business information."

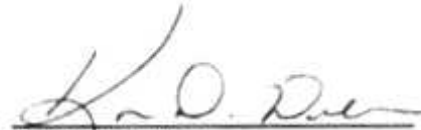
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<sup>1</sup> See In re: United States Transmission System's Petition for Waiver of Bond Requirements, 87 F.P.S.C. 8:7, Docket No. 870625-TI, Order No. 17932 (Aug. 4, 1987) (finding that financial statements of petitioner's parent company were entitled to the protection of Section 364.183, Florida Statutes, as proprietary confidential business information).

11. OnePoint has good cause and justification for its request, and continued confidentiality of Composite Exhibit "F" will not prejudice the Commission, or any other persons or entities that may become parties to this docket. Moreover, OnePoint will make Composite Exhibit "F" available upon execution of an appropriate protective agreement.

WHEREFORE, OnePoint respectfully requests that the Commission determine that Composite Exhibit "F" is confidential and exempt from the Public Records Act, Chapter 119, Florida Statutes, and Article I, Section 24(a) of the Florida Constitution.

Respectfully submitted,



D. Bruce May  
Florida Bar No.354473  
Karen D. Walker  
Florida Bar No. 0982921  
HOLLAND & KNIGHT LLP  
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Tallahassee, FL 32301  
(850) 224-7000

**Attorneys for OnePoint  
Communications-Georgia, LLC  
d/b/a OnePoint Communications**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY THAT a true and correct copy of the foregoing was furnished by hand delivery to Kimberley Pena, Division of Legal Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 and by U.S. Mail to Jack Shreve, Office of Public Counsel, 111 W. Madison Street, Suite 812, Tallahassee, Florida 32399 this 29th day of August, 1997.

  
Karen D. Walker

TAL-114379



**CONFIDENTIAL**

**OnePoint-Consolidated  
Profit & Loss Statement  
(unaudited)**

Composite  
Exhibit F

Balance Sheet  
As of 12/31/96  
(unaudited)

CONFIDENTIAL