

MEMORANDUM

November 19, 1997

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FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CULPEPPER) *MCB/rbc*

RE: DOCKET NO. 921074-TP - PETITION OF INTERMEDIA COMMUNICATIONS OF FLORIDA, INC. FOR EXPANDED INTERCONNECTION FOR AAVS WITHIN LEC CENTRAL OFFICES

Document NO. 06402-94 and referenced Document NO. 05620-94

PSC-97-1464-CFO-TP

Attached is an ORDER GRANTING CENTRAL TELEPHONE COMPANY OF FLORIDA'S REQUEST FOR CONFIDENTIAL TREATMENT OF DOCUMENT NO. 06402-94, AND REFERENCED DOCUMENT NO. 05620-94, with attachments, to be issued in the above referenced docket. (Number of pages in order - 4)

BC/anr
Attachment
cc: Division of Communications
I: 921074c1.bc

MUST GO TODAY

*forwarded 2/2
checked*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Intermedia
Communications of Florida, Inc.
for expanded interconnection for
AAVs within LEC central offices.

DOCKET NO. 921074-TP
ORDER NO. PSC-97-1464-CFO-TP
ISSUED: November 20, 1997

ORDER GRANTING CENTRAL TELEPHONE COMPANY OF FLORIDA'S REQUEST FOR
CONFIDENTIAL TREATMENT OF
DOCUMENT NO. 06402-94, AND REFERENCED DOCUMENT NO. 05620-94

On October 16, 1992, Intermedia Communications of Florida, Inc. (Intermedia or ICI) filed a petition seeking authorization for Alternative Access Vendors (AAVs) to provide certain services through collocation arrangements in local exchange company (LEC) central offices. In order to address Intermedia's petition, broader questions regarding private line and special access expanded interconnection had to be resolved. In Phase I of this proceeding we addressed expanded interconnection for special access and private line. Phase II was devoted to expanded interconnection for switched access.

On June 28, 1994, Central Telephone Company of Florida, now Sprint/Centel-Florida, (Centel or Company) filed a request for confidential classification of certain portions of response to Staff's Third Request for Production of Documents, No. 19. The information for which confidential treatment is requested is identified in Document No. 06402-94, and referenced Document No. 05620-94.

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.

DOCUMENT NUMBER-DATE

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Specifically, Centel requests confidential treatment of the information identified in Document 1 as set forth in Attachment A, which is incorporated into this Order.

Centel argues that the information in Note 1 consists of incremental cost data relating to tandem switching. This data was developed by the Company, and is not available elsewhere. It supplies some of the elements for pricing the Company's operations. It also includes some customer information. Centel argues that this information would be valuable to competitors in developing marketing strategies and pricing to compete with Centel. Centel argues that disclosure of this information would be detrimental to the Company's operations and its customers.

Regarding Note 2, Centel argues that the information consists of switched access demand and revenue data, most of which is in an interexchange carrier-by-interexchange carrier, route-by-route specific format. Centel asserts that this information is not available elsewhere and would be valuable to competitors because it details the size of the switched access market. Centel argues that competitors could use this information to develop marketing strategies and pricing strategies in order to better compete with Centel. This, asserts the Company, would harm both Centel and its customers.

Upon review, the material is found to be proprietary business information in accordance with Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. Disclosure of this information would impair Centel's ability to compete. As such, it shall be granted confidential treatment.

Based on the foregoing, it is therefore


ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that Central Telephone Company of Florida's Request for Confidential Classification of Document No. 06402-94, and referenced Document No. 05620-94, is hereby granted to the extent set forth in the body of this Order. It is further

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Order in the absence of a renewed request for confidentiality pursuant to Section 364.183, Florida Statutes. 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 J. Terry Deason, as Prehearing Officer, this 20th day of November, 1997.



J. TERRY DEASON, Commissioner and
Prehearing Officer

(S E A L)

BC

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.

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,

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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 Director, Division of Records and Reporting, 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.