

MEMORANDUM

January 7, 1998

RECEIVED

JAN 07 1998

1:55
FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (B. KEATING) *BK*
RE: DOCKET NO. 921074-TP - PETITION OF INTERMEDIA
COMMUNICATIONS OF FLORIDA, INC. FOR EXPANDED
INTERCONNECTION FOR AAVS WITHIN LEC CENTRAL OFFICES

PSC-98-0058-CFO-TP

Attached is an ORDER GRANTING CENTRAL TELEPHONE COMPANY OF FLORIDA'S REQUEST FOR CONFIDENTIAL TREATMENT OF DOCUMENT NO. 08681-95 to be issued in the above-referenced docket. (Number of pages in Order - 4)

BK/anr
Attachment
cc: Division of Communications
I: 921074C2.BK

*boxed 24/2
mailed*

MUST GO TODAY

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for expanded interconnection for alternate access vendors within local exchange company central offices by INTERMEDIA COMMUNICATIONS OF FLORIDA, INC.

DOCKET NO. 921074-TP
ORDER NO. PSC-98-0058-CFO-TP
ISSUED: January 8, 1998

ORDER GRANTING CENTRAL TELEPHONE COMPANY OF FLORIDA'S
REQUEST FOR CONFIDENTIAL TREATMENT OF DOCUMENT NO. 08681-95

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 September 6, 1995, Central Telephone Company of Florida, now Sprint/Centel-Florida, (Centel or Company) filed a request for confidential classification of certain cost data supporting its zone density tariff filed in accordance with Commission Order No. PSC-94-1353-NOR-TL. The information for which confidential treatment is requested is identified in Document No. 08681-95.

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

00407 JAN-88

FPSC-RECORDS/REPORTING

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Specifically, Centel requests confidential treatment of Attachment 2, Page 1 of 4, Column B, Lines 1-14, identified as Incremental Costs; Attachment 2, Page 2 of 4, Column B, Lines 1-20, identified as Incremental Costs; Attachment 2, Page 3 of 4, Column B, Lines 1-20, identified as Incremental Costs; and Attachment 2, Page 4 of 4, Column B, Lines 1, 4, and 5, identified as Incremental Costs.

Centel asserts that this information consists of incremental costs for zone density pricing for local transport, private line, special access and mobile interconnection. Centel argues that all of these services, except mobile interconnection, will soon be subject to competition at various locations in Centel's territory. Centel asserts that competition will only increase in these areas. Centel further asserts that disclosure of this incremental costing information would allow competitors to determine the minimum price at which Centel could sell the services. Competitors would then be able to price their offerings competitively and even undercut Centel's service price. This, argues Centel, would put Centel at a competitive disadvantage, would lessen Centel's ability to compete in the marketplace, and deprive consumers of the services of a viable competitor.

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 September 6, 1995, Request for Confidential Classification of Document No. 08681-95 is hereby granted to the extent set forth in the body of this Order. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the material specified herein shall expire eighteen (18) months from the date of the issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 364.183, Florida Statutes. It is further

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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 8th day of January, 1998.


J. TERRY DEASON, Commissioner and
Prehearing Officer

(S E A L)

BK

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, 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,

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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.