

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint notice of intent by GTE Florida Incorporated (holder of LEC Certificate No. 31) and Sprint-Florida, Incorporated (holder of LEC Certificate No. 22) to petition Commission for approval to transfer territories in Pasco County and to amend certificates.

DOCKET NO. 991191-TL
ORDER NO. PSC-99-1849-CF0-TL
ISSUED: September 20, 1999

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION

On August 30, 1999, GTE Florida Incorporated (GTE) and Sprint-Florida, Incorporated (Sprint) filed a joint petition pursuant to Rules 25-4.005 and 28.106.201, Florida Administrative Code, to transfer territories in Pasco County and to amend certificates. In meeting the requirements of the aforementioned rules, GTE has provided the Florida Public Service Commission with a list of customers to be affected by the transfer of territory. The list of customers included some non-published numbers.

On September 7, 1999, GTE Florida Incorporated (GTE) filed a request for confidential classification of Document No. 10666-99, which contains a list of customers non-published telephone numbers. GTE asserted that information of this type has previously been ordered kept confidential by the Commission. GTE asserted that the list of non-published customer telephone numbers contains confidential information that should be exempt from Section 119.07(1), Florida Statutes. GTE asks, therefore, that this information be granted confidential treatment, in accordance with Rule 25-22.006, Florida Administrative Code.

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

DOCUMENT NUMBER-DATE

11254 SEP 20 99

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Statutes, or to demonstrate that the information is proprietary confidential information, the disclosure of which will cause the Company or its ratepayers harm.

Specifically, GTE asserts that the information contained in this document is regarded by GTE and its customers as confidential information. GTE maintains that public disclosure of this information would hinder its ability to provide the requested service to customers that their telephone numbers not be published to the public.

Section 364.183(3), Florida Statutes, states that proprietary confidential business information is:

[O]wned 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.

Based on the definition of proprietary confidential business information in Section 364.183(3), Florida Statutes, it appears that the information for which GTE seeks confidential classification is information that, if disclosed, would cause harm to the company or its ratepayers. Thus, this information qualifies as proprietary business information under Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. It shall, therefore, be granted confidential treatment in accordance with those provisions.

It is therefore

ORDERED by Commissioner Julia L. Johnson, that GTE Florida Incorporated's Request for Confidential Classification of Document No. 10666-99 is hereby granted. It is further

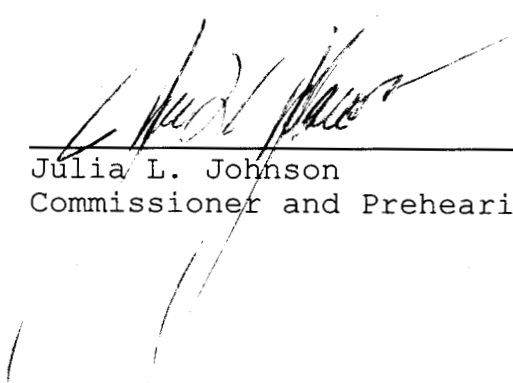
ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the material specified herein shall

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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

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 Julia L. Johnson, as Prehearing Officer, this 20th day of September, 1999.



Julia L. Johnson
Commissioner and Prehearing Officer

(S E A L)

CBW

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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.

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 25-22.038(2), 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, 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.

M E M O R A N D U M

September 14, 1999

TO: COMMISSIONER JULIA L. JOHNSON

FROM: DIVISION OF LEGAL SERVICES (WATTS) *CBW CB*

RE: DOCKET NO. 991191-TL - JOINT NOTICE OF INTENT BY GTE FLORIDA INCORPORATED (HOLDER OF LEC CERTIFICATE NO. 31) AND SPRINT-FLORIDA, INCORPORATED (HOLDER OF LEC CERTIFICATE NO. 22) TO PETITION COMMISSION FOR APPROVAL TO TRANSFER TERRITORIES IN PASCO COUNTY AND TO AMEND CERTIFICATES.

Attached is an ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION which is ready for your review and signature. Please call Sharon Allbritton or Tina Watts when it has been signed. (Number of pages in order - 4)

CBW:sa
Attachment
cc: Division of Communications
I:991191co.or

4:15

M E M O R A N D U M

RECEIVED-TPSC

September 14, 1999

SEP 20 PM 1:54

RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (WATTS) *CBW CB*

RE: DOCKET NO. 991191-TL - JOINT NOTICE OF INTENT BY GTE FLORIDA INCORPORATED (HOLDER OF LEC CERTIFICATE NO. 31) AND SPRINT-FLORIDA, INCORPORATED (HOLDER OF LEC CERTIFICATE NO. 22) TO PETITION COMMISSION FOR APPROVAL TO TRANSFER TERRITORIES IN PASCO COUNTY AND TO AMEND CERTIFICATES.

1849-CFO

Attached is an ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION to be issued in the above-referenced docket. (Number of pages in order - 4)

CBW/sa
Attachment
cc: Division of Communications
I:991191co.or

pg 1+2

*pared 2/10
wanted*

MUST GO TODAY