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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION 02 APR 28 PM 4:31

RECORDS AND REPORTING

In Re:)
Application of OnFiber Carrier Services, Inc.)
For an ALEC Certificate,)
_____)

Docket No. 00516 -TX
Filed on April 28, 2000

REQUEST OF ONFIBER CARRIER SERVICES, INC.
FOR CONFIDENTIAL CLASSIFICATION
PURSUANT TO SECTION 364.183(1), FLORIDA STATUTES

Pursuant to Rule 25-22.006(5)(a), Florida Administrative Code, OnFiber Carrier Services, Inc. requests the Commission to classify certain documents identified herein as confidential and exempt from public disclosure and, to the extent necessary and appropriate, issue a protective order reflecting such decision and classification. The materials that are the subject of the request consist of financial statements which are exhibits to OnFiber's application for a certificate of authority to operate as an Alternative Local Exchange Company. The application for ALEC authority is being submitted contemporaneously with this request.

The documents for which confidential classification is sought include the following financial statements for OnFiber Communications, Inc., of which OnFiber Carrier Services, Inc. is a subsidiary:

- 1. Balance sheets;
- 2. Income statements;
- 3. Schedules of sources and uses of funds.

In support of its request, OnFiber Carrier Services, Inc. states that it is a privately held corporation involved in undertaking a start-up telecommunications business. The deployment of new telecommunication services is very competitive. OnFiber Carrier Services, Inc. is a subsidiary of OnFiber Communications, Inc., which will be the source of OnFiber Carrier Services' initial funding requirements. OnFiber Communications, Inc. is itself a privately held, start-up corporation

This confidentiality request was filed by or for a "telco" for DN 05278-00 No ruling is required unless the material is subject to a request per 119.07, FS, or is admitted in the record per Rule 25-22.006(8)(b), FAC.

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that closely guards its internal financial information, which is not publicly disclosed. As a privately held company, disclosing key financial information at this stage of its development could harm OnFiber's ability to effectively negotiate contracts and agreements that will allow it to enter Florida and other new markets.

Section 364.183(3)(e), Florida Statutes, defines "proprietary confidential business information" to include "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of that information."

In addition, the section encompasses "trade secrets." While the term "trade secrets" is not a defined term in Chapter 364, Florida Statutes, the definition provided in Chapter 688, Florida Statutes, The Uniform Trade Secrets Act, is informative. §688.002, Florida Statutes, provides that Trade Secret:

means information ... that

(a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and

(b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

The materials for which confidential classification is sought are competitively sensitive. As stated, OnFiber Communications, Inc. actively and routinely protects its financial information from public disclosure. Further, because OnFiber is a new entity and has no history of prior operations, nearly all of the information has been prepared on a forward-looking basis. Accordingly, the subject financial statements necessarily reflect OnFiber's assessment of future market conditions and provide insight as to OnFiber's proprietary, internal projections of future operations and results. Disclosure of the information would injure OnFiber's competitive posture by revealing its strategy for financing its new venture and its expectations regarding market acceptance for its products.

One copy of each of the subject financial statements is being submitted to the Division of

Records and Reporting under seal.

WHEREFORE, OnFiber Carrier Systems, Inc. requests the Commission to classify the documents identified herein as confidential and exempt from public disclosure.


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