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ORIGINAL

December 20, 2001

CONFIDENTIAL
INFORMATION ENCLOSED

COMMISSION
CLERK

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BY HAND DELIVERY

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

Re: Docket No. 990649B-TP

Dear Ms. Bayo:

Enclosed for filing, pursuant to Rule 25-22.006(5), Florida Administrative Code, is the original unredacted version, with the specific confidential information highlighted, and two (2) redacted versions of Sprint's Responses to Staff's First Request for Production of Documents, Request No. 15.

Also enclosed is Sprint's Request for Confidential Classification of certain information contained in the documents being furnished by Sprint in Response to Staff's Document Request No. 15.

Please keep the document(s) confidential pending receipt and action on the Company's Request for Confidential Classification relating to these documents.

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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into
Pricing of Unbundled Network
Elements

DOCKET NO. 990649B-TP
FILED: December 20, 2001

**SPRINT'S REQUEST FOR CONFIDENTIAL CLASSIFICATION
PURSUANT TO SECTION 364.183(1), FLORIDA STATUTES**

Sprint-Florida, Incorporated ("Sprint"), pursuant to Rule 25-22.006(5), Florida Administrative Code, hereby requests that the Florida Public Service Commission ("Commission") classify certain documents and/or records identified herein as confidential, exempt from public disclosure under Chapter 119, Florida Statutes, and issue any appropriate protective order reflecting such a decision. The information that is the subject of this request is contained in certain documents contained in Sprint's Responses to Staff's First Request for Production of Documents, Request No. 15.

1. The following documents, or excerpts from documents, are the subject of this request:

- a. FCC Forms 477 - Local Competition and Broadband Reporting; file data as of: December 31, 1999; June 30, 2000; December 31, 2000; June 30, 2001.
- b. Florida Competitive Reviews: 01/05/2000; 01/19/2000; 02/02/2000; 02/16/2000; 03/01/2000; 03/15/2000;

DOCUMENT NUMBER-DATE

15870 DEC 20 01

FPSC-COMMISSION CLERK

03/29/2000; 04/12/2000; 04/26/2000; 05/10/2000;
05/24/2000; 06/07/2000; 06/21/2000; 07/06/2000;
07/21/2000; 08/07/2000; 08/18/00; 08/30/00; 09/13/00;
09/27/00; 10/11/00; 10/25/00; 11/08/00; 12/06/00;
01/10/01; 01/10/01; 01/24/01; 02/07/01; 02/21/01;
3/07/01; 03/21/01; 04/04/01; 04/18/01; 05/02/01;
05/16/01; 05/30/01; 06/13/01; 06/27/01; 07/11/01;
07/25/01; 08/08/01; 08/22/01; 09/05/01; 09/19/01;

2. One unredacted copy of the documents has been submitted to the Division of Records and Reporting under seal this same day.

3. The confidential information is identified by yellow highlighting. The information for which the Request is submitted is competition and competitor-specific information (or information from which such information can be derived), trade secret or other highly proprietary, competitive or market information and thus meets the definition of confidential proprietary business information pursuant to Section 364.183(a)(d) and (e), Florida Statutes. Section 364.183(3) provides:

(3) The term "proprietary confidential business information" means 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. The term includes, but is not limited to:

- (a) Trade secrets.
- (b) Internal auditing controls and reports of internal auditors.
- (c) Security measures, systems, or procedures.
- (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company or its affiliates to contract for goods or services on favorable terms.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

4. Furthermore, Section 688.002(4), Florida Statutes, is instructive on what constitutes a trade secret and provides that:

(4) "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique, or process 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.

5. The subject information has not been publicly released by Sprint. Furthermore, release of the information could impair the efforts of the company to develop competitive service offerings and pricing to meet competition, thus causing harm to the company's business operations.

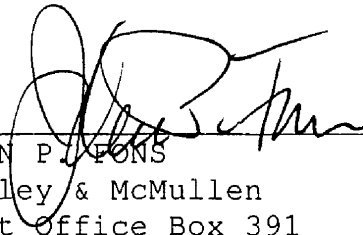
6. The Commission has found similar information to be confidential. See, Order No. PSC-00-1372-CFO-TP, issued July 31, 2000; *In re: Investigation into pricing of unbundled network elements*. Docket No. 990649-TP.

Based on the foregoing, Sprint respectfully requests that the Commission grant the Request for Confidential Classification, exempt the information from disclosure under Chapter 119, Florida Statutes, and issue any appropriate protective order, protecting the information from disclosure while it is maintained at the Commission.

RESPECTFULLY SUBMITTED this 20th day of December, 2001.

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and



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ATTORNEYS FOR SPRINT-FLORIDA, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by e-mail transmission, U. S. Mail, or hand delivery (*) this 20th day of December 2001, to the following:

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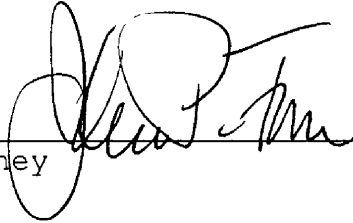
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