

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation into)
Pricing of Unbundled Network)
Elements)
_____)

Docket No. 990649B-TP

Filed: April 11, 2002

Sprint-Florida's Request for Confidential Classification Pursuant to
Section 364.183(1), Florida Statutes

Sprint-Florida, Incorporated ("Sprint-Florida") 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 highly sensitive contract information. The information has been filed, under seal, with the Division of Records and Reporting in response to Staff's Fourth Request for Production of Documents.

1. The following documents or excerpts from documents are the subject of this request:
 - a. **POD Response No. 33 (a), consisting of information relating to vendor switch discounts. (The response to request 33(a) is contained in a CD- ROM which has been filed under seal, with the Division of Records and Reporting.)**
 - b. **POD Response No. 33 (b), consisting of 2 vendor contracts supporting the switch discounts. (Copies of the contracts have been filed, under seal, with the Division of Records and Reporting.)**
 - c. **POD Response No. 36 (a) and (b), consisting of SCIS input sheets and related documentation. (The response to request 36 (a) and (b) is contained in a CD-ROM which has been filed, under seal, with the Division of Records and Reporting.)**

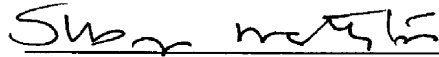
2. Unredacted copies of the documents have been submitted to the Division of Records and Reporting, either in CD-ROM or hard copy format as indicated above, under seal this same day. Because the documents are confidential in their entirety, no redacted copy is being filed.
3. The confidential information is not identified by yellow highlighting since each Document is confidential in its entirety.
4. The information for which the Request is submitted is vendor-specific pricing information (or information from which such information can be derived), trade secret and other highly proprietary contractual, competitive or valuable information and thus meets the definition of confidential proprietary business information pursuant to Section 364.183(3)(a)(d) & (e), Florida Statutes. Specific justification for confidential treatment is set forth in Attachment A.
5. 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 and Sprint is required by contract to keep certain of the information confidential. Furthermore, release of the information could impair the efforts of the company or its affiliates to contract for goods or services on favorable terms, 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 this 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 11th day of April 2002.



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ATTORNEYS FOR SPRINT-FLORIDA

ATTACHMENT A

POD Treated as proprietary	Justification for Confidential Treatment
33(a)	Document contains Sprint-Florida specific investment and facilities data and vendor specific data which Sprint-Florida is required by the terms of the vendor contracts to keep confidential. Allowing competitors access to this information would compromise Sprint-Florida's relationship with the vendors, would adversely impact Sprint-Florida's ability to contract on favorable terms and would unfairly advantage competitors by allowing them to develop marketing and pricing plans without incurring the time and expense that a competitor would otherwise have to expend.
33(b)	Documents are vendor contracts which Sprint-Florida is required by the terms of the contracts to keep confidential. Allowing competitors access to this information would compromise Sprint-Florida's relationship with the vendors, would adversely impact Sprint-Florida's ability to contract on favorable terms and would unfairly advantage competitors by allowing them to develop marketing and pricing plans without incurring the time and expense that a competitor would otherwise have to expend.
36 (a)	Documents contain Sprint-Florida specific investment and facilities data and vendor specific data which Sprint-Florida is required by contract to keep confidential. Allowing competitors access to this information would compromise Sprint-Florida's relationship with the vendors, would adversely impact Sprint-Florida's ability to contract on favorable terms and would unfairly advantage competitors by allowing them to develop marketing and pricing plans without incurring the time and expense that a competitor would otherwise have to expend.
36 (b)	Document contains vendor-specific data which Sprint-Florida is required by contract to keep confidential. Allowing competitors access to this information would compromise Sprint-Florida's relationship with the vendors, would adversely impact Sprint-Florida's ability to contract on favorable terms and would unfairly advantage competitors by allowing them to develop marketing and pricing plans with incurring the time and expense that a competitor would otherwise have to expend.