

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Global NAPS, Inc. for arbitration pursuant to 47 U.S.C. 252(b) of interconnection rates, terms and conditions with ALLTEL Florida, Inc.

DOCKET NO. 011354-TP
ORDER NO. PSC-03-0043-CFO-TP
ISSUED: January 7, 2003

ORDER GRANTING REQUEST FOR CONFIDENTIAL TREATMENT
OF DOCUMENT NO. 12296-02 (CROSS-REFERENCED DOCUMENT NO. 11470-02)

On November 8, 2002, ALLTEL Florida, Inc. (ALLTEL) filed a Request for Confidential Classification of the rebuttal testimony of Alfred Busbee (Document No. 12296-02 and cross-referenced Document No. 11470-02), which ALLTEL contends contain market penetration and/or market share information, certain practices and procedures used by ALLTEL to conduct its business, and confidential business information. ALLTEL contends that the release of this information would provide its competitors with an unfair advantage in future decisions to compete with ALLTEL, that it has not otherwise been disclosed, and that ALLTEL treats this information as confidential.

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.

Specifically, ALLTEL seeks confidential classification for lines 6 and 7 of page 4, lines 6-8 of page 18, lines 9-13 and 16 of page 18, lines 13 and 18-23 of page 20, and line 2 of page 22. ALLTEL contends that the information contained in these documents identifies its costs to provide certain services. ALLTEL maintains

DOCUMENT NUMBER-DATE

00168 JAN-7 2003

PSC-COMMISSION OF FRK

that if this information is disclosed, competitors will have an unfair advantage in that they will know the price or cost at which ALLTEL provides the identified service, thus enabling the competitor to evaluate whether and the extent to which ALLTEL has a cost advantage or disadvantage in the provision of the service. This will thereby enable competitors to make informed decision about whether, where and when to compete with ALLTEL. Therefore, ALLTEL argues that the release of this information would impair ALLTEL's ability to compete, and as such it is entitled to confidential classification pursuant to Section 364.183, Florida Statutes. ALLTEL emphasizes that it treats this information as confidential and that it has not otherwise been disclosed.

Section 364.183(3), Florida Statutes, in pertinent part, provides:

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.

Based on the definition of proprietary confidential business information in Section 364.183(3), Florida Statutes, it appears that the material described herein is proprietary business information in accordance with Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. Disclosure of this information could be detrimental to ALLTEL's operations and could impair ALLTEL's ability to compete. As such, ALLTEL's Request for Confidential Classification regarding Document No. 12296-02 (cross-referenced Document No. 11470-02) is hereby granted. Pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the 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

ORDER NO. PSC-03-0043-CFO-TP
DOCKET NO. 011354-TP
PAGE 3

renewed request for confidentiality pursuant to Section 364.183, Florida Statutes.

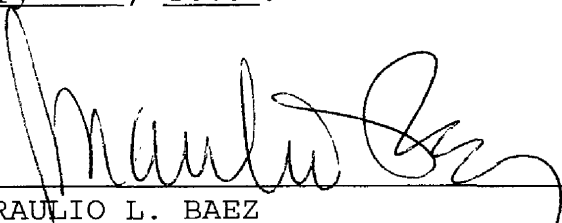
Based on the foregoing, it is therefore

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that ALLTEL Telecommunications, Inc.'s Request for Specified Confidential Classification filed on November 8, 2002, addressing Document No. 12296-02 (cross-referenced Document No. 11470-02) is hereby granted. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the 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

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 Braulio L. Baez, as Prehearing Officer, this 7th day of January, 2003.



BRAULIO L. BAEZ
Commissioner and Prehearing Officer

(S E A L)

WDK

ORDER NO. PSC-03-0043-CFO-TP
DOCKET NO. 011354-TP
PAGE 4

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 the Commission Clerk and Administrative Services, 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.