

# AUSLEY & MCMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET  
P.O. BOX 391 (ZIP 32302)  
TALLAHASSEE, FLORIDA 32301  
(850) 224-9115 FAX (850) 222-7560

October 21, 2003

## BY HAND DELIVERY

Ms. Blanca S. Bayo, Director  
Division of Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850


Re: Docket No. 030868-TL

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and fifteen (15) copies of Sprint's Request for Confidential Classification and Protective Order Pursuant to Section 364.183(1), Florida Statutes.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

Thank you for your assistance in this matter.

Yours truly,  
  
John P. Fons

Enclosures

cc: Certificate of Service List

h:\jpf\sprint\access charges\corres\bayo rcc xmtl.doc

DOCUMENT NUMBER-DATE

10287 OCT 21 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: SPRINT-FLORIDA, INCORPORATED'S  
PETITION TO REDUCE INTRASTATE  
SWITCHED NETWORK ACCESS RATES TO  
INTERSTATE PARITY IN A REVENUE  
NEUTRAL MANNER PURSUANT TO  
SECTION 364.164(1), FLORIDA STATUTES

---

DOCKET NO.: 030868-TL  
FILED: October 21, 2003

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

On October 2, 2003, Sprint-Florida, Incorporated ("Sprint") filed its Notice of Intent to Request Confidential Classification. Sprint 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 a protective order reflecting such decision and protecting the information in the possession of the Commission and the Office of the Public Counsel. The information that is the subject of this request is contained in certain documents contained in Sprint's Response to Staff's First Set of Interrogatories and Staff's First Request for Production of Documents served on the Staff of the Commission and Office of Public Counsel on October 2, 2003.

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

- a. **Sprint's Response to Staff's Interrogatory No. 21.**
- b. **Sprint's Response to Staff's Request for Production of Documents No. 2. - First Section, "Basic Local Service Rate Changes," (CD-ROM) and paper copies of pages 1 through 33 of 33. (The second section of POD No. 2 - "Switched Access Rate Changes," pages 1 through 36 of 36, originally labeled "confidential" is not confidential.)**

- c. **Sprint's Response to Staff's Request for Production of Documents No. 3 (CD-ROM);**
- d. **Sprint's Response to Staff's Request for Production of Documents No. 4;**
- e. **Sprint's Response to Staff's Request for Production of Documents No. 15 (CD-ROM).**

2. One Unredacted copy of the information has been submitted to the Division of Records and Reporting under seal this same day. The confidential information is identified by gray highlighting. Two redacted copies of the information are attached to this request.

3. The information for which the Request is submitted is trade secret or other highly proprietary competitive or valuable information and thus meets the definition of confidential proprietary business information pursuant to Section 364.183(3), Florida Statutes. Specific justification for confidential treatment is set forth in Attachment "A".

4. 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.

5. 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:

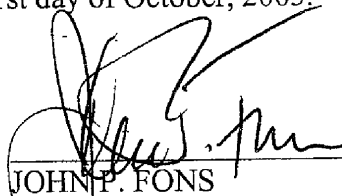
(a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use;  
and

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

6. The subject information has not been publicly released. Furthermore, release of the information could impair the company's ability to compete for, or negotiate with, certain business customers.

WHEREFORE, based on the foregoing, Sprint respectfully requests that the Commission grant Sprint's Request for Confidential Classification, exempt the information from disclosure under Chapter 119, Florida Statutes and issue a protective order, protecting the information from disclosure while it is maintained at the Commission and in the possession of the Office of the Public Counsel.

RESPECTFULLY SUBMITTED this 21st day of October, 2003.



JOHN P. FONS  
Fla. Bar No. 0280836  
Ausley & McMullen  
P.O. Box 391  
Tallahassee, FL 32302  
(850) 224-9115

and

SUSAN S. MASTERTON  
Fla. Bar No. 0494224  
Sprint-Florida, Inc.  
P.O. Box 2214  
Tallahassee, FL 32316-2214  
(850) 599-1560

ATTORNEYS FOR SPRINT-FLORIDA,  
INCORPORATED

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by e-mail and U.S. Mail this 21st day of October, 2003, to the following:

Beth Keating, Esq. (\*)  
Felicia Banks, Esq.  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Charles Beck (\*)  
Interim Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 W. Madison St., Rm. 812  
Tallahassee, FL 32399-1400

Richard Chapkis, Esq.  
Verizon-Florida  
P.O. Box 110, FLTC0007  
Tampa, FL 33601-0110

Tracy Hatch/Chris McDonald  
AT&T Communications  
101 N. Monroe St., Suite 700  
Tallahassee, FL 32301

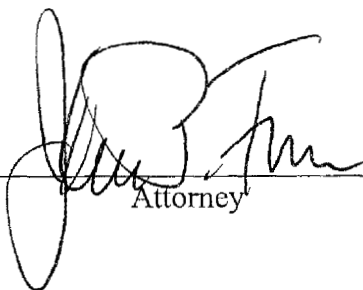
Mark Cooper  
504 Highgate Terrace  
Silver Spring, MD 20904

Donna McNulty, Esq.  
MCI WorldCom  
1203 Governors Square Blvd.; Suite 201  
Tallahassee, FL 32301

Michael A. Gross, Esq.  
FCTA  
246 E. 6th Ave., Suite 100  
Tallahassee, FL 32302

Nancy White, Esq.  
c/o Nancy Sims  
BellSouth Telecommunications  
150 S. Monroe St., Suite 400  
Tallahassee, FL 32301

Michael B. Twomey  
P. O. Box 5256  
Tallahassee, FL 32314-5256

  
\_\_\_\_\_  
Attorney

**ATTACHMENT A**

<b>Document and Page and Line Numbers</b>	<b>Justification for Confidential Treatment</b>
a. Highlighted portions of Sprint's Response to Staff's Interrogatory No. 21	Contains information concerning Sprint's average revenue per customer from providing Sprint's competitive services, disclosure of which will harm Sprint's competitive business interests (s. 364.183(3) (e), F.S.)
b. Sprint's Response to Staff's Request for Production of Documents No. 2, "Basic Local Service Rate Changes," (CD-ROM); and highlighted portion of paper copies, pages 1 through 33 of 33, columns B, D and G, lines 10 through 494	Contains information concerning Sprint's competitive services billing units, disclosure of which will harm Sprint's competitive business interests (s. 364.183(3) (e), F.S.)
c. Exhibit KWD-2, page 1, column D, line 4	Contains information concerning Sprint's cost to provide competitive services, disclosure of which will harm Sprint's competitive business interests (s. 364.183(3) (e), F.S.)
Exhibit KWD-2, page 2, column D, line 2 & column F, lines 2, 5 & 6	Contains information concerning Sprint's cost to provide competitive services, disclosure of which will harm Sprint's competitive business interests (s. 364.183(3) (e), F.S.)
Exhibit KWD-2, page 2, column D, line 2 & column F, lines 2, 5, 6 & 7	Contains information concerning Sprint's cost to provide competitive services, disclosure of which will harm Sprint's competitive business interests (s. 364.183(3) (e), F.S.)
Exhibit KWD-2, page 5, columns I & J, line 1	Contains information concerning Sprint's cost to provide competitive services, disclosure of which will harm Sprint's competitive business interests (s. 364.183(3) (e), F.S.)
Exhibit KWD-2, page 6, column D, line 1-4 & column F, lines 1-6	Contains information concerning Sprint's cost to provide competitive services, disclosure of which will harm Sprint's competitive business interests (s. 364.183(3) (e), F.S.)
Exhibit KWD-2 page 7, column D, lines 1-6 & column E, lines 1-6, 7 & 9	Contains information concerning Sprint's cost to provide competitive services, disclosure of which will harm Sprint's competitive business interests (s. 364.183(3) (e), F.S.)

<p>d. Highlighted portions of Sprint's Response to Staff's Request for Production of Documents No. 4., Non-Recurring Charges, Residential Monthly Billing Units, pages 1 and 2 of 2, columns B through O, lines 9 to 63; and Non-Recurring Charges, Business Monthly Billing Units, pages 1 and 2 of 2, columns B through O, lines 9 through 65</p>	<p>Contains information concerning Sprint's cost to provide competitive services, disclosure of which will harm Sprint's competitive business interests (s. 364.183(3) (e), F.S.)</p>
<p>e. Sprint's Response to Staff's Request for Production of Documents No. 15 (CD-ROM) all fields of each separate calculation and work paper referred to in Staff's Interrogatories Nos. 30 through 34.</p>	<p>Contains information concerning Sprint's cost to provide competitive services, disclosure of which will harm Sprint's competitive business interests (s. 364.183(3) (e), F.S.)</p>

\\h:\jpf\sprint\access charges\pleadings\rcc - staff's 1st set doc