

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Verizon Florida Inc. to reform intrastate network access and basic local telecommunications rates in accordance with Section 364.164, Florida Statutes.

DOCKET NO. 030867-TL

In re: Petition by Sprint-Florida, Incorporated to reduce intrastate switched network access rates to interstate parity in revenue-neutral manner pursuant to Section 364.164(1), Florida Statutes.

DOCKET NO. 030868-TL

In re: Petition for implementation of Section 364.164, Florida Statutes, by rebalancing rates in a revenue-neutral manner through decreases in intrastate switched access charges with offsetting rate adjustments for basic services, by BellSouth Telecommunications, Inc.

DOCKET NO. 030869-TL

In re: Flow-through of LEC switched access reductions by IXC's, pursuant to Section 364.163(2), Florida Statutes.

DOCKET NO. 030961-TI
ORDER NO. PSC-03-1406-CFO-TL
ISSUED: December 12, 2003

ORDER GRANTING KNOLOGY'S REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION FOR DOCUMENT NO. 12491-03

On August 27, 2003, Verizon Florida Inc. (Verizon), Sprint-Florida, Incorporated (Sprint), and BellSouth Telecommunications, Inc. (BellSouth), each filed petitions pursuant to Section 364.164, Florida Statutes, and respective Dockets Nos. 030867-TL, 030868-TL, and 030869-TL have been opened to address these petitions in the

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

time frame provided by Section 364.164, Florida Statutes. On October 1, 2003, Verizon filed its amended petition. On November 19, 2003, Knology of Florida, Inc. (Knology) was granted intervention in the consolidated dockets.

During the 2003 Regular Session, the Florida Legislature enacted the Tele-Competition Innovation and Infrastructure Enhancement Act (Tele-Competition Act or Act). The Act became effective on May 23, 2003. Part of the new Tele-Competition Act is the new Section 364.164, Florida Statutes, whereby the Legislature established a process by which each incumbent local exchange telecommunications carrier (ILEC) may petition the Commission to reduce its intrastate switched network access rate in a revenue-neutral manner. This matter has been set for hearing on December 10-12, 2003.

On December 5, 2003, Knology filed its Request for Specified Confidential Classification of its responses to Interrogatory Nos. 11 and 17 of Staff's Second Set of Interrogatories, identified as Document No. 12491-03. In its Request, Knology asserts that all the information for which it seeks confidential treatment includes confidential business information utilized by Knology to conduct business. Knology further asserts that public disclosure of this information would cause competitive harm to Knology and provide competitors with an unfair advantage. The information discussed in this Request is valuable and Knology strives to keep it secret. Therefore, Knology argues, such information should be classified as confidential, proprietary business information pursuant to Section 364.214 and Section 364.183, Florida Statutes. According to Knology's Request, it should be held exempt from the public disclosure requirements of Section 199.07, Florida Statutes. That is likely a scrivener's error, and this Order is issued under the assumption that Knology intended the statutory reference to be 119.07, Florida Statutes.

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.

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 would give Knology's competitors an artificial competitive advantage, allowing them to successfully compete against Knology without the usual market trial and error. Further, after reviewing in detail the information in question, it appears appropriate to grant confidential classification. As such, Knology's Request for Specified Confidential Classification of Document No. 12491-03 is hereby granted.

Based on the foregoing, it is

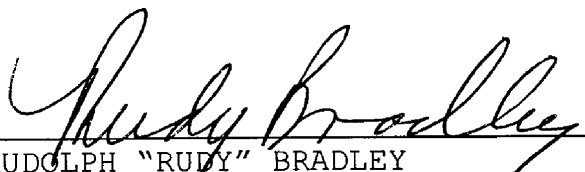
ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that Knology of Florida Inc.'s Request for Specified Confidential Classification of Document No. 12491-03, as set forth in Attachment A, is hereby granted. It is further

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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 Rudolph "Rudy" Bradley, as Prehearing Officer, this 12th Day of December, 2003.



RUDOLPH "RUDY" BRADLEY
Commissioner and Prehearing Officer

(S E A L)

LF

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.

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Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, Florida Administrative Code; or (2) 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.

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ATTACHMENT A

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ATTACHMENT A

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Request for Confidential Classification of Knology of Florida, Inc.'s Responses to Staff's
Second Set of Interrogatories in FPSC Dockets 0303867-TL, 030868-TL, and 030869-TL.

Explanation of Proprietary Information

1. This information contains certain facts regarding Knology's current operating position. The public disclosure of this information would provide Knology's competitors with an advantage in that they would know average combined revenue per customer for one of its products along with the profitability of that product. Knology is not able to obtain its competitors' revenue per customer and profitability information. Therefore, it would be inequitable and unfair for Knology's competitors to have access to Knology's information. For these reasons, the public disclosure of information would impair the competitive businesses of Knology, and the information is, therefore, entitled to confidential classification under the terms of Florida Statutes, Section 364.183(3)(e). This information is valuable and is used by Knology in conducting its business and Knology strives to keep it secret. Therefore, this information should be classified as proprietary, confidential business information pursuant to Section 364.183 Florida Statutes and is exempt for the Open Records Act.

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ATTACHMENT A

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<u>LOCATION</u>	<u>REASON</u>
Interrogatory No. 11	1
Interrogatory No.17	1