

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising from Federal Communications Commission's triennial UNE review: Local Circuit Switching for Mass Market Customers.

DOCKET NO. 030851-TP  
ORDER NO. PSC-04-0194-CFO-TP  
ISSUED: February 23, 2004

ORDER GRANTING REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION OF SPECIFIED SPRINT COMMUNICATIONS COMPANY AND SPRINT-FLORIDA, INC. DOCUMENTS

I. Case Background

In response to the Federal Communications Commission's ("FCC's") August 21, 2003, Triennial Review Order ("TRO"), this Commission opened two dockets to ascertain whether a requesting carrier is impaired by lack of access to certain incumbent local exchange companies' network elements.

Sprint Communications Co. and Sprint-Florida, Inc. (collectively "Sprint") has filed Requests for Specified Confidential Classification for certain documents. The chart below shows the date of the request and the document at issue.

Month of Request	Document No.	Attachment
January		
20 <sup>th</sup>	13534-03 13531-03	A
29 <sup>th</sup>	00283-04	B
30 <sup>th</sup>	00438-04	C
February		
19 <sup>th</sup>	02178-04	D
19 <sup>th</sup>	00728-04	E

II. Analysis

In its request, Sprint asks for protection of the specific pages and line numbers as set forth in Attachments A through E, which are attached and incorporated in this Order by reference. Sprint contends that release of this information would provide its competitors with an

DOCUMENT NUMBER-DATE

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undue competitive advantage in that they would have access to this competitively sensitive, confidential information.

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, states that "proprietary confidential business information" is:

[o]wned 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 information for which Sprint seeks confidential classification is information that, if disclosed, would cause harm to Sprint's competitive interests and its business operations. Thus, this information qualifies as proprietary confidential business information under Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. As such, Sprint's request for confidential classification is hereby granted.

Based on the foregoing, it is

**ORDERED** by Commissioner Charles M. Davidson, as Prehearing Officer, that Sprint Florida, Inc.'s Requests for Specified Confidential Classification of the documents as set forth herein are hereby granted. It is further

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

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By ORDER of Commissioner Charles M. Davidson, as Prehearing Officer, this 23rd  
day of February, 2004.



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CHARLES M. DAVIDSON  
Commissioner and Prehearing Officer

( S E A L )

JLS/JPR

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.

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

ATTACHMENT A

Document and page and line numbers	Justification for Confidential Treatment
Attachment to Sprint's Response to Staff's Interrogatory No. 14(a) and 14(b)	This information is proprietary information obtained by Sprint via its relationship with its vendors. Release of this information would impair the efforts of the company or its affiliates to contract for goods or services on favorable terms s. 364.183(3)(d), F.S.

ATTACHMENT A

Document and page and line numbers	Justification for Confidential Treatment
Attachment to Sprint LP's Response to Staff's Interrogatory No. 8(a)	This information is proprietary information previously submitted under a claim of confidentiality in Sprint LP's response to staff's TRO data request filed with the Commission on December 3 and 5, 2003. The information is information relating to Sprint's competitive interests, the disclosure of which would impair the competitive business of Sprint. Section 364.183(3)(e), F.S.

ATTACHMENT A

Document and page and line numbers	Justification for Confidential Treatment
Highlighted Information on Page 2 of Exhibit KWD-5	This information is proprietary information obtained by Sprint via its relationship with its vendors. Release of this information would impair the efforts of the company or its affiliates to contract for goods or services on favorable terms s. 364.183(3)(d), F.S.
Highlighted information in Exhibit KWD-7	This information is proprietary, competitively sensitive information relating to Sprint's sales costs. The information is information relating to Sprint's competitive interests, the disclosure of which would impair the competitive business of Sprint. Section 364.183(3)(e), F.S.

ATTACHMENT A

Document and page and line numbers	Justification for Confidential Treatment
Highlighted information on p. 43 of the Attachment to Staff's POD 18-A	This information is proprietary, competitively sensitive information relating to Sprint's channel bank investments. The information is information relating to Sprint's competitive interests, the disclosure of which would impair the competitive business of Sprint. Section 364.183(3)(e), F.S.
Highlighted Information in Response to Staff's POD No. 23	This information is subject to a claim of confidentiality previously filed with the Commission by KMC on 12-19-03.
Highlighted Information in Response to Staff's Interrogatory No. 28	This information is subject to a claim of confidentiality previously filed with the Commission by KMC on 12-19-03.
Highlighted Information in Response to Staff's Interrogatory No. 30	This information is subject to a claim of confidentiality previously filed with the Commission by KMC on 12-19-03.

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Implementation of requirements arising ) DOCKET NO. 030851-TP  
from Federal Communications Commission's )  
Triennial UNE review: Local Circuit Switching ) FILED: February 19, 2004  
for Mass Market Customers. )  
\_\_\_\_\_ )

**Sprint Communications Company Limited Partnership's and Sprint-Florida,  
Incorporated's Request for Confidential Classification  
Pursuant to Section 364.183(1), Florida Statutes**

Sprint Communications Company Limited Partnership and Sprint-Florida, Incorporated (hereinafter, "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 any appropriate protective order reflecting such a decision.

1. The information that is the subject of this request is information that that is confidential and proprietary to Sprint, the release of which would impair the competitive business of Sprint. Sprint previously filed a Notice of Intent to Request Confidential Classification related to this information on January 28, 2004 and is filing this request pursuant to Rule 25-22-2006, F.A.C. The following documents or excerpts from documents are the subject of this request:

**Information in Columns D, E, F, & G, lines 42-46, of Exhibit KWD-12  
(attached to the Surrebuttal Testimony of Kent W. Dickerson)**

2. Two redacted copies of the information are attached to this request. One unredacted copy of the confidential information was filed under seal with the Division of Records and Reporting on January 28, 2004.

DOCUMENT NUMBER - DATE

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3. The information for which the Request is submitted is information concerning the sales costs incurred by Sprint in its CLEC operations, the release of which would impair Sprint's competitive business interests and is confidential and proprietary to Sprint.

4. Section 364.183(3), F.S., 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.

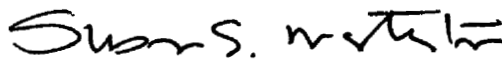
5. The subject information has not been publicly released and Sprint.

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.

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ATTACHMENT E

RESPECTFULLY SUBMITTED this 19<sup>th</sup> day of February 2004.



Susan S. Masterton  
Post Office Box 2214  
Tallahassee, Florida 32316-2214  
850/599-1560

ATTORNEY FOR SPRINT

ATTACHMENT A

Document and page and line numbers	Justification for Confidential Treatment
Highlighted Information in the Attachment to Sprint's Response to Staff's Interrogatory No. 43, column 4, lines 4-17	This information is proprietary, competitively sensitive information relating to Sprint's workforce. The information is information relating to Sprint's competitive interests, the disclosure of which would impair the competitive business of Sprint. Section 364.183(3)(e), F.S.
Highlighted information in Sprint's Response to Staff's Interrogatory No. 44.	This information is proprietary, competitively sensitive information relating to Sprint's workforce. The information is information relating to Sprint's competitive interests, the disclosure of which would impair the competitive business of Sprint. Section 364.183(3)(e), F.S.
Highlighted Information in the Attachment to Staff's Interrogatory No. 51, 2, lines 3-5	This information is proprietary, competitively sensitive information relating to Sprint's workforce. The information is information relating to Sprint's competitive interests, the disclosure of which would impair the competitive business of Sprint. Section 364.183(3)(e), F.S.