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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In Re: Application for certificate to provide competitive local exchange telecommunications service by The Hamilton Telephone Company d/b/a Hamilton Telecommunications

Docket No. 041313-TELERK Filed: November 15, 2004

REQUEST FOR CONFIDENTIAL CLASSIFICATION

The Hamilton Telephone Company d/b/a Hamilton Telecommunications ("Hamilton"), pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, requests that the Florida Public Service Commission (the "Commission") classify as confidential Composite Exhibit "C" to Hamilton's application for a certificate to provide competitive local exchange telecommunications service in the State of Florida ("Application").

In support of this request Hamilton states:

1. Hamilton is filing this Request for Confidential Classification contemporaneously with filing its Application. The Commission's application form PSC/CMU 8 (11/95) provides that: "The application should contain the applicant's audited financial statements for the most recent 3 years. . . ." Composite Exhibit "C" to Hamilton's Application consists of Hamilton's audited financial statements for the company's fiscal years ending June

30, 2002; 2003 and 2004.

2. Hamilton is a privately held company. The information in Composite Exhibit "C" to Hamilton's Application is intended to be and has been treated by Hamilton as private and has not been disclosed unless disclosed pursuant to a statutory provision, order of a court or administrative body, or private agreement that provides that the information will not be released to the public.

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This confidentiality request was filed by or for a "telco" for DN 12205-04 No ruling is required unless the material is subject to a request per 119.07, FS, or is admitted in the record per Rule 25-22.006(8)(b), FAC.

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3. The specified proprietary confidential business information contained in Composite Exhibit "C" to Hamilton's Application is entitled to confidential classification pursuant to Section 364.183, Florida Statutes, and is exempt from Section 119.07(1), Florida Statutes, and Article I, Section 24(a) of the Florida Constitution. Section 364.183(3) defines "proprietary confidential business information" as:

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.

§ 364.183(3), Fla. Stat. (2004). Section 364.183(3) further provides that "proprietary confidential business information" includes "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information." § 364.183(3)(e), Fla. Stat. (2004).

4. Composite Exhibit "C" to Hamilton's Application contains "proprietary confidential business information" within the meaning of that term as described in Section 364.183(3). The information for which confidential classification is sought is financial information of a privately held company. This information reveals the financial resources of Hamilton and, if disclosed, could cause harm to Hamilton's business operations.

5. Attached hereto is a separate sealed envelope containing one unredacted copy of Composite Exhibit "C" to Hamilton's Application and an additional unredacted copy of Composite Exhibit "C" on which the information claimed as confidential is highlighted. Also attached are two edited copies of Composite Exhibit "C" to Hamilton's Application with the information for which Hamilton is requesting confidential classification redacted.


6. All of the information contained in Composite Exhibit "C" is confidential with the exception of the title pages of the financial statements, the introductory letters from the auditors, the indices to the financial statements, and the headings of each page of the financial statements. Because Composite Exhibit "C" is confidential in its entirety except as described above, there is no basis for articulating a line-by-line justification for confidential treatment of the information. Hamilton, however, has summarized the confidential information in this Request for Confidential Classification.

7. At this time, Hamilton is unable to provide a date by which Composite Exhibit "C" will no longer be proprietary confidential business information.

8. Hamilton has good cause and justification for its request, and continued confidentiality of Composite Exhibit "C" will not prejudice the Commission or any persons or entities that may become parties to this docket.

WHEREFORE, Hamilton respectfully requests that the Commission determine that Composite Exhibit "C" to Hamilton's Application is confidential and exempt from the Public Records Act, Chapter 119, Florida Statutes, and Article I, Section 24(a) of the Florida Constitution.


Respectfully submitted,



PHILLIP C. NELSON, PRESIDENT
THE HAMILTON TELEPHONE COMPANY
d/b/a HAMILTON TELECOMMUNICATIONS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT a true and correct copy of the foregoing was furnished by U.S. Mail to Harold M. McLean, Office of Public Counsel, 111 W. Madison Street, Room 812, Tallahassee, Florida 32399 this 15th day of November, 2004.


PHILLIP C. NELSON, PRESIDENT
THE HAMILTON TELEPHONE COMPANY
d/b/a HAMILTON TELECOMMUNICATIONS