

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Adoption of the National School Lunch Program and an income-based criterion at or below 135% of the Federal Poverty Guidelines as eligibility criteria for the Lifeline and Link-Up programs.

DOCKET NO. 040604-TL
ORDER NO. PSC-05-0020-CFO-TL
ISSUED: January 5, 2005

ORDER GRANTING VERIZON FLORIDA, INC.'S REQUEST
FOR CONFIDENTIAL CLASSIFICATION OF CITIZENS' FIRST SET OF REQUESTS
FOR PRODUCTION OF DOCUMENTS (NOS. 1,2,3,9,16,19,21,24)
AND MOTION FOR PROTECTIVE ORDER

On April 29, 2004, the FCC released its Report and Order (Order), and Further Notice of Proposed Rulemaking (FNPRM) regarding Lifeline and Link-Up.¹ To improve the Lifeline and Link-Up programs and to increase subscribership, the FCC's Order, in part: 1) added TANF and NSL to the program-based eligibility criteria; and, 2) added an income-based eligibility criterion of 135% of the FPG.

On August 10, 2004, Proposed Agency Action Order No. PSC-04-0781-PAA-TL was issued for the purpose of adopting the National School Lunch program and an income-based eligibility criterion for consumers with incomes at or below 135% of the Federal Poverty Guidelines. Additionally, the Order allows Florida consumers, who qualify for Lifeline assistance, the option of electing a self-certification process. The Order requires ETCs to disclose to consumers both Lifeline certification processes available, along with the Lifeline credits available under each process. Additionally, ETCs are required, on an annual basis, to file reports identifying the number of applicants applying for Lifeline and Link-up, the number of applicants approved for Lifeline/Link-up, the method of certification the applicant used, and whether the approved applicant received \$8.25 or \$13.50 in assistance.

On August 31, 2004, BellSouth Telecommunications, Inc., Verizon Florida, Inc. (Verizon), the Florida Office of the Public Counsel on behalf of the Citizens of Florida, Quincy Telephone Company d/b/a TDS Telecom, GTC, Inc. d/b/a GT COM and ALLTEL Florida, Inc., and Sprint-Florida, Inc. filed protests in response to Order No. PSC-04-0781-PAA-TL requesting a formal hearing pursuant to Section 120.57, Florida Statutes. By Order No. PSC-04-1066-PCO-TL issued November 1, 2004, as modified by Order No. PSC-04-1096-PCO-TL issued November 5, 2004, the procedural schedule and hearing dates were established.

On December 14, 2004, Verizon filed a request for confidential classification and a protective order. In its request, Verizon seeks confidential classification of the information

¹ Report and Order and Further Notice of Proposed Rulemaking, WC Docket 03-109, In the Matter of Lifeline and Link-Up, Release No. FCC 04-87, (Rel. April 29, 2004.)

DOCUMENT NUMBER-DATE

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FPC-COMMISSION CLERK

contained in its responses to Citizens' First Set of Requests for Production of Documents (Nos. 1,2,3,9,16,19,21,24). Attachment A, attached hereto and incorporated herein, contains a detailed justification of the confidentiality of the information at issue. I understand that Verizon treats this information as confidential and it has not otherwise been released.

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 its competitors an artificial competitive advantage, allowing them to successfully compete against Verizon without the usual market trial and error. As such, Verizon's Request for Confidential Classification of its responses to Citizens' First Set of Requests for Production of Documents (Nos. 1,2,3,9,16,19,21,24) and a Protective Order are hereby granted.

Based on the foregoing, it is

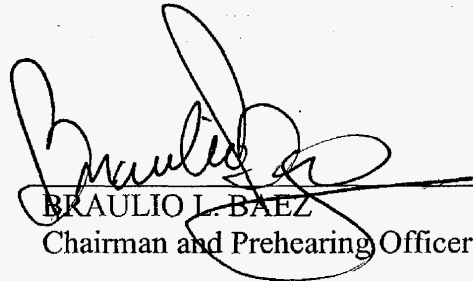
ORDERED by Chairman Braulio L. Baez, as Prehearing Officer, that Verizon Florida, Inc.'s Request for Confidential Classification and Motion for Protective Order, as set forth in Attachment A is hereby granted and incorporated by reference into this Order. It is further

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

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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 Chairman Braulio L. Baez, as Prehearing Officer, this 5th day of January, 2005.


BRAULIO L. BAEZ
Chairman and Prehearing Officer

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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.

Verizon Florida Inc.'s Responses to
Citizens' First Set of Requests for Production of Documents
Docket No. 040604-TL
December 14, 2004

EXHIBIT C

DOCUMENT	LINE(S)/COLUMN(S)	REASON
OPC POD 1-VZ 1-1.1 thru 1.12	All highlighted text	All of this information is competitively sensitive, confidential and proprietary business information that has been confidentially maintained by Verizon. Disclosure of this information would cause harm to Verizon by giving its competitors an unfair advantage in developing, pricing and marketing their services. It would be particularly unfair to disclose this information because similar information about competitive carriers is not made available to the public.
OPC POD 2-VZ 2-3.1 thru 3.3	All highlighted text	
OPC POD 3-VZ 3-1.1 thru 1.3	All highlighted text	
OPC POD 9-VZ 9-1.1	All highlighted text	
OPC POD 16-VZ 16-1	All highlighted text	
OPC POD 19-VZ 19-2.1 thru 2.2	All highlighted text	
OPC POD 21-VZ 21-1: Page 49 Attachment A, page 1 of 7 Attachment A, page 3 of 7 Attachment A, page 4 of 7	All highlighted text	
OPC POD 21-VZ 21-2: Exhibit 7, pages 1-15 Exhibit 7, Attachment A, pages 1-11	All highlighted text	
OPC POD 24-VZ 24-1.1	All highlighted text	
OPC POD 24-VZ 24-2	All highlighted text	