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November 16, 2005

VIA HAND DELIVERY

Ms. Blanca S. Bayo, Director Division of the Commission Clerk and Administrative Services Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0870

Re: Dkt. No. 050693-TL; Alltel Florida, Inc.'s Petition to Reduce Intrastate Switched Access Rates in a Revenue Neutral Manner Pursuant to Section 364.164, Florida Statutes.

Dear Ms. Bayo:

Enclosed for filing on behalf of Alltel Florida, Inc. ("Alltel") are the original and fifteen (15) copies of Alltel's Fifth Request for Confidential Classification.

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.

Sincerely,

Jeffry Wahlen

Enclosures

cc: Charles J. Beck, Office of Public Counsel (w/encls.)
Jason Rojas, Staff Counsel (w/encls.)

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Alltel Florida, Inc.'s Petition)		
To Reduce Intrastate Switched Network)		
Access Rates In A Revenue Neutral)	Docket No.	: 050693 - TL
Manner Pursuant to Section 364.164,)	Filed:	11.16.05
Florida Statutes)		
)		

ALLTEL FLORIDA, INC.'S FIFTH REQUEST FOR CONFIDENTIAL CLASSIFICATION

Alltel Florida, Inc. ("Alltel" or the "Company") hereby files this request that the Florida Public Service Commission ("FPSC" or the "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 ("OPC" or "Public Counsel").

- 1. The information that is the subject of this request is contained in certain documents filed with the Clerk's Office on October 31, 2005, in response to Staff's Second Set of Interrogatories and assigned Document No. 10519-05. These documents are the subject of Alltel's Fourth Notice of Intent to Request Confidential Classification (DN 10521-05) and Fourth Motion for Temporary Protective Order (DN 10518-05).
- 2. Specifically, the following documents or excerpts from documents are the subject of this request:

Responses to Staff's Second IRR, Nos. 65, 67 and 68

3. One unredacted copy of these documents with the confidential information highlighted in yellow has been labeled Attachment C and has been submitted under separate

cover to the Division of Records and Reporting contemporaneously with the filing of this request. A copy on which the information asserted to be confidential has been redacted has been labeled Attachment B and are included with the original of this request.

- 4. The information for which this 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.
 - 5. Section 364.183(3), Florida Statutes, states:
 - (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.
- 6. 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.
- 7. The subject information to this request 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, Alltel respectfully requests that the Commission grant this request, exempt the Confidential Material specified herein 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 16th of November, 2005.

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and

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ATTORNEYS FOR ALLTEL FLORIDA, INC.

Certificate of Service

I hereby certify that a true and correct of the foregoing (without Attachment C and with only one copy of attachment B) was served by hand delivery and electronic mail this 16th day of November, 2005, to the following:

Jason Rojas Florida Public Service Commission Division of Legal Services 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850

Charles J. Beck, Deputy Public Counsel Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, Florida 32399-1400

ATTACHMENT A

Document and Page and Line Numbers	Justification for Confidential Treatment
Staff Second IRR, No. 65, pages 1, line (b), percentage data	Reflects Alltel's DSL penetration percentage. This data reflects market share information for services subject to competition. Disclosure of this information will harm Alltel's competitive business interests, because similar info about Alltel's competitors is not available, resulting in a competitive disadvantage to Alltel if its data is disclosed. (s. 364.183(3) (e), F.S.)
Staff Second IRR, No. 67: page 1, Cols 2000-2004, line 1	Reflects Alltel's originating access minutes of use for 2000-2004. This data reflects market share information for services subject to competition. Disclosure of this information will harm Alltel's competitive business interests, because similar info about Alltel's competitors is not available, resulting in a competitive disadvantage to Alltel if its data is disclosed. (s. 364.183(3) (e), F.S.)
Staff Second IRR, No. 68: page 1, Cols 2000-2004, line 1	Reflects Alltel's terminating access minutes of use for 2000-2004. This data reflects market share information for services subject to competition. Disclosure of this information will harm Alltel's competitive business interests, because similar info about Alltel's competitors is not available, resulting in a competitive disadvantage to Alltel if its data is disclosed. (s. 364.183(3) (e), F.S.)

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ALLTEL FLORIDA, INC.'S FIFTH REQUEST FOR CONFIDENTIAL CLASSIFICATION

One Redacted Copy

Attachment B

Alltel Florida, Inc.
Docket No. 050693-TL
Staff's Second Set of Interrogatories
Interrogatory No. 65
Page 1 of 1 (confidential)

- 65. For purposes of the following request, please refer to the direct testimony of ALLTEL witness Blessing, page 46, lines 12-18, pertaining to what Florida households pay for cable TV or internet service.
 - (a) What is the cable television penetration rate for all households in ALLTEL's service territory?
 - (b) What percentage ALLTEL wireline customers subscribe to ALLTEL DSL service in ALLTEL's service territory?

ANSWER:

- (a) Neither the Cable Television Association nor the FCC track cable television penetration by LEC service territory.
- (b) Approximately of Alltel's wireline customers subscribe to Alltel DSL.

Alltel Florida, Inc.
Docket No. 050693-TL
Staff's Second Set of Interrogatories
Interrogatory No. 67
Page 1 of 1 (confidential)

67. Please identify the number of intrastate switched access originating minutes for the years 2000, 2001, 2002, 2003, and 2004.

ANSWER:

I

<u>2000</u> <u>2001</u> <u>2002</u> <u>2003</u> <u>2004</u>

Bettye Willis

Alltel Florida, Inc.
Docket No. 050693-TL
Staff's Second Set of Interrogatories
Interrogatory No. 68
Page 1 of 1 (confidential)

68. Please identify the number of intrastate switched access terminating minutes for the years 2000, 2001, 2002, 2003, and 2004.

ANSWER:

1,

<u>2000</u> <u>2001</u> <u>2002</u> <u>2003</u> <u>2004</u>

Bettye Willis