

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: June 16, 2006

TO: Patrick Wiggins, Attorney Supervisor, Office of the General Counsel
Adam Teitzman, Senior Attorney, Office of the General Counsel

FROM: Dale R. Buys, Regulatory Analyst III, Division of Competitive Markets & Enforcement *DRB*

RE: **Verizon Florida Inc.'s Request For Confidential Classification and Motion for Protective Order in Docket No. 060042-TP - Complaint of Franklin Templeton Companies, LLC against Verizon Florida, Inc. for allegedly breaching telecommunications service agreement and violating Section 364.051(5)(b), Florida Statutes, and Rule 25-4.110, Florida Administrative Code.** *mm*

On May 10, 2006, Verizon Florida Inc. submitted its request for confidential classification of the information contained in **FPSC Document Number 04107-06** which consists of documents produced in response to Franklin Templeton Companies, LLC's First Request for Production of Documents in Docket No. 060042-TP. Upon review of the documents, technical staff concurs with Verizon Florida Inc. that the information contained in the documents meets the requirements for confidential classification pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006(5), F.A.C., and as such, the information should be treated as confidential.

Confidential Request # 04106-06
Confidential Document # 04107-06

Attachment/
DRB

cc: Della Fordham

DOCUMENT NUMBER DATE

05306 JUN 19 06

FPSC-COMMISSION CLERK

ORIGINAL



Leigh A. Hyer
Vice President-General Counsel, Southeast Region
Legal Department

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201 North Franklin Street (33602)
Post Office Box 110
Tampa, Florida 33601-0110

Phone 813 483-1256
Fax 813 204-8870
leigh.a.hyer@verizon.com

May 10, 2006

Ms. Blanca S. Bayo, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RECEIVED-FPSC
MAY 10 AM 9:40
COMMISSION
CLERK

Re: Docket No. 060042-TP
Complaint by Franklin Templeton Companies, LLC against Verizon Florida Inc.
for allegedly breaching telecommunications service agreement and violating
Section 364.051(5)(b), Florida Statutes, and Rule 25-4.110, Florida
Administrative Code

Dear Ms. Bayo:

Enclosed for filing are an original and 15 copies of Verizon Florida Inc.'s Request for Confidential Classification and Motion for Protective Order in connection with documents produced in response to Franklin Templeton Companies, LLC's First Request for Production of Documents in the above matter. Service has been made as indicated on the Certificate of Service. If there are any questions regarding this filing, please contact me at 813-483-1256.

JMP _____
COM 5 _____
CTR _____ Sincerely,
ECR _____
ECL LC13 _____
JPC _____ Leigh A. Hyer
RCA _____
SCR _____ LAH:tas
SGA _____ Enclosures

SEC 1 _____
DTH Kim P. Lockard _____

RECEIVED & FILED
Oh
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
04106 MAY 10 06
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by Franklin Templeton) Docket No. 060042-TP
Companies, LLC against Verizon Florida Inc.) Filed: May 10, 2006
for allegedly breaching telecommunications)
service agreement and violating Section)
364.051(5)(b), Florida Statutes, and Rule)
25-4.110, Florida Administrative Code)
_____)

**VERIZON FLORIDA INC.'S REQUEST FOR CONFIDENTIAL
CLASSIFICATION AND MOTION FOR PROTECTIVE ORDER**

Under Commission Rule 25-22.006, F.A.C., Verizon Florida Inc. (Verizon) seeks confidential classification and a protective order for information contained in documents produced in response to Franklin Templeton Companies, LLC's First Request for Production of Documents in this proceeding.

All of the information for which Verizon seeks confidential treatment falls within Florida Statutes section 364.183(3), which 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.

Florida Statutes section 364.183(3)(a) expressly provide that "trade secrets" fall within the definition of "proprietary confidential business information." Florida Statutes section 364.183(3)(e), further provides that "proprietary confidential business information" includes "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information."

If competitors were able to acquire this detailed and sensitive information regarding Verizon, they could more easily develop entry and marketing strategies.

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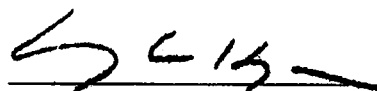
ensure success in competing with Verizon. This would afford them an unfair advantage while severely jeopardizing Verizon's competitive position. In a competitive business, any knowledge obtained about a competitor can be used to the detriment of the entity to which it pertains, often in ways that cannot be fully anticipated. This unfair advantage skews the operation of the market, to the ultimate detriment of the telecommunications consumer. Accordingly, Verizon respectfully requests that the Commission classify the identified information as confidential and enter an appropriate protective order.

While a ruling on this request is pending, Verizon understands that the information at issue is exempt from Florida Statutes section 119.07(1) and Staff will accord it the stringent protection from disclosure required by Rule 25-22.006(3)(d).

One copy of the confidential information is attached to the original of this Request as Exhibit A. Due to the nature and volume of the documents, redacted copies are not being provided. A detailed justification of the confidentiality of the information at issue is attached as Exhibit C.

Respectfully submitted on May 10, 2006.

By:



Leigh A. Hyer
P. O. Box 110, FLTC0717
Tampa, FL 33601
(813) 483-1256
(813) 204-8870 (fax)

Attorney for Verizon Florida Inc.

EXHIBIT C

DOCUMENT	LINE(S)/COLUMN(S)	REASON
<p>Documents consist of proprietary internal emails, correspondence, proprietary fiber layouts, network engineering work orders, project control memos, network service agreements and rate quotes. The following Bates stamped documents are considered to be confidential:</p> <p>VZ 1 - VZ 587 VZ 677 VZ 832 VZ 836 VZ 838 - VZ 954 VZ 956 - VZ 1186 VZ 1190 - VZ 1204 VZ 1225 - VZ 1231 VZ 1240 - VZ 1243 VZ 1245 - VZ 1263 VZ 1277 - VZ 1279 VZ 1281 - VZ 1283 VZ 1287 VZ 1294 - VZ 1303 VZ 1316 - VZ 1319 VZ 1324 - VZ 1339 VZ 1826 - VZ 1832</p>	<p>All text on all documents</p>	<p>This is competitively sensitive, confidential and proprietary business information that has been confidentially maintained by Verizon. Disclosure of this information could give competitors an unfair advantage in developing their own competitive strategies by revealing Verizon's pricing and negotiating strategies and the layout of its network facilities.</p>

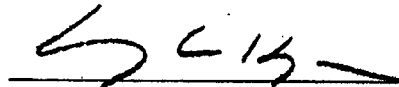
CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing were sent via overnight mail(*) and/or
U.S. mail(**) on May 10, 2006 to:

Staff Counsel (*)
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

William P. Cox (**)
Abel Band Law Firm
240 South Pineapple Avenue
Sarasota, FL 34230-6948

Lawrence Chew (**)
Franklin Templeton Companies, LLC
960 Park Place, 2nd Floor
San Mateo, CA 94403



Leigh A. Hyer