

BEFORE THE PUBLIC SERVICE COMMISSION

In re: 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.

DOCKET NO. 060042-TP
ORDER NO. PSC-06-0712-CFO-TP
ISSUED: August 24, 2006

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF DOCUMENT NO. 04107-06

On January 18, 2006, Franklin Templeton Companies, LLC (Franklin Templeton) filed its Complaint against Verizon Florida, Inc. (Verizon) for allegedly breaching a telecommunications service agreement and violating Section 364.051(5)(b), Florida Statutes, and Rule 25-4.110, Florida Administrative Code.

On May 10, 2006, Verizon filed a request for specified confidential classification. In its request, Verizon seeks confidential classification of information contained in Verizon's Response to Franklin Templeton's First Request for Production of Documents (Document No. 04107-06). Verizon asserts its Response to Franklin Templeton's First Request for Production of Documents contains proprietary internal e-mails, correspondence, proprietary fiber layouts, network engineering work orders, project control memos, network service agreements and rate quotes. Attachment A, attached hereto and incorporated herein, contains a detailed justification of the confidentiality of the information at issue. Verizon states that it treats this information as confidential and that 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

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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 could harm Verizon by giving its competitors an unfair advantage in developing their own competitive strategies. As such, Verizon's Request for Specified Confidential Classification of its Response to Franklin Templeton's First Request for Production of Documents (Document No. 04107-06), is hereby granted.

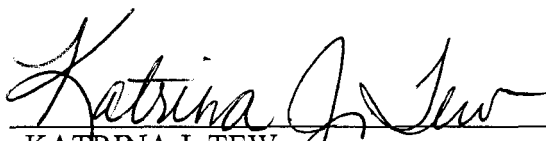
Based on the foregoing, it is

ORDERED by Commissioner Katrina Tew, as Prehearing Officer, that Verizon Florida, Inc.'s Request for Specified Confidential Classification of Document No. 04107-06, as set forth in Attachment A, which is attached and incorporated herein, is granted. 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

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 Commissioner Katrina J. Tew, as Prehearing Officer, this 24th day of August, 2006.


KATRINA J. TEW
Commissioner 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.

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>