



Public Service Commission

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DATE: May 25, 2007

TO: Lee Eng Tan, Attorney, Office of the General Counsel
Brenda Merritt, Statistician II, Division of Competitive Markets & Enforcement
Patti Zellner, Executive Secretary to General Counsel
Ann Cole, Chief of Records, Division of the Commission & Administrative Services
Marguerite Lockard, Commission Deputy Clerk II, Division of the Commission & Administrative Services

FROM: Frank Trueblood, Regulatory Analyst, Division of Competitive Markets & Enforcement

RE: Request for Confidential Classification in Docket No.060767-TP.

The respondent to Docket No. 060767-TP has a pending Request for Confidential Classification of the document listed below. This document was admitted into the record at the hearing on May 3, 2007 as Hearing Exhibit No. 4.

<u>Requesting Party</u>	<u>Document Description</u>	<u>Compliance with Statute and Rule¹</u>	<u>Specific Information and Justification</u>
Embarq Florida, Inc.	Document No. 03453-07 Embarq's Response to Staff's Interrogatory No. 38.	Yes, 364.183, F.S., and Rule 25-22.006(5)(a), FAC	Portions of Embarq's Response to Staff's Interrogatory No. 38 contains competitively sensitive information regarding the minutes of use of transit traffic for various CLECs that have interconnection agreements with Embarq. The response contains proprietary business information. Competitive harm could result if such Information was disclosed.

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- RCA _____
- SCR _____
- SGA _____
- SEC _____
- OTH Marguerite

I believe the Request for Confidential Classification should be granted.

¹Chapter 364.183, Florida Statutes, addresses proprietary information. Rule 25-22.006(4), FAC addresses requests for confidential classification. Rule 25-22.006(5), FAC addresses claims of confidential treatment pursuant to Section 364.183(1), Florida Statutes.



Embarq Corporation
Mailstop: FTLH00102
1313 Blair Stone Rd.
Tallahassee, FL 32301
EMBARQ.com

May 24, 2007

Ann Cole
Office of Commission Clerk
Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0870

Re: Docket No. 060767-TP; Embarq Florida, Inc.'s Request for Confidential Classification

Dear Ms. Cole:

Enclosed for filing is Embarq Florida Inc.'s Request for Confidential Classification.

Copies are being served on the parties in this docket pursuant to the attached certificate of service.

If you have any questions regarding this electronic filing, please do not hesitate to call me at 850/599-1560.

Sincerely,

s/ Susan S. Masterton
Susan S. Masterton

Enclosure

Susan S. Masterton
COUNSEL
LAW AND EXTERNAL AFFAIRS REGULATORY
Voice: (850) 599-1560
Fax: (850) 878-0777

COMPETITIVE SERVICES
DIVISION OF

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**CERTIFICATE OF SERVICE
DOCKET NO. 060767-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic and U.S. Mail this 24th of May 2007 to the following.

Theresa Tan, Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
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Frank Trueblood
Division of Competitive Markets & Enforcement
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Verizon Access Transmission Services
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s/Susan S. Masterton
Susan S. Masterton

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of MCImetro Access
Transmission Services LLC d/b/a Verizon
Access Transmission Services for
arbitration of disputes arising from
negotiation of interconnection agreement
with Embarq Florida, Inc.

DOCKET NO. 060767-TP

Filed: May 24, 2007

Embarq Florida, Inc.'s Request for Confidential Classification
Under Section 364.183(1), Florida Statutes

Embarq Florida, Inc. (hereinafter, "Embarq") hereby requests that the Florida Public Service Commission ("Commission") classify certain documents identified herein as confidential and exempt from public disclosure under chapter 119, Florida Statutes, and issue any appropriate protective order reflecting such a decision.

1. The information that is the subject of this request is confidential and proprietary as described in paragraph 3. The following documents or excerpts from documents are the subject of this request:

**Embarq's Response to Staff's Interrogatory No. 38
(Hearing Exhibit No. 4, Document No. 03453-07, Claim
of Confidentiality filed April 23, 2007)**

2. Redacted copies of the information are attached to this request. An unredacted copy of each document is already on file with the Florida Public Service Commission pursuant to the Claim of Confidentiality identified above.

3. The information for which the Request is submitted is competitively sensitive information regarding the minutes of use of transit traffic for various CLECs that have interconnection agreements with Embarq. This information is information relating to Embarq's wholesale CLEC customers which Embarq is required to keep confidential

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under Embarq's interconnection agreements with these CLECs. In addition, section 364.24, Florida Statutes, generally prohibits Embarq from disclosing customer account records.

4. Section 364.183(3), F.S., provides:

(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.

5. The subject information has not been publicly released by Embarq.

Based on the foregoing, Embarq respectfully requests that the Commission grant Embarq's Request for Confidential Classification, exempt the information from disclosure under chapter 119, Florida Statutes, and issue any appropriate protective order, protecting the information from disclosure while it is maintained at the Commission.

Respectfully submitted this 24th day of May 2007.

s/Susan S. Masterton
Susan S. Masterton
1313 Blair Stone Road
Tallahassee, FL 32301
Voice: 850-599-1560
Fax: 850-878-0777
susan.masterton@embarq.com

Counsel for Embarq Florida, Inc.

17. For each transit rate Embarq is charging Florida CLECs, please identify the individual rate being assessed. Please identify which rates are TELRIC-based versus market-based.

Response: Please see the attached spreadsheet "Transit rates.xls".

18. Please identify the transit rate included in ICAs between Embarq and each CLEC in Florida.

Response: Please see the attached spreadsheet "Transit rates.xls".

19. a. Please identify each CLEC with which Embarq has a currently effective ICA in Florida that provides transit charges.

Response: Please see the attached spreadsheet "Transit rates.xls".

b. For each such CLEC identified in (a), please indicate the transit rate being charged and the effective date of the ICA.

Response: Please see the attached spreadsheet "Transit rates.xls".

c. Please identify which rates are TELRIC-based versus market-based.

Response: Please see the attached spreadsheet "Transit rates.xls".

20. For each CLEC with which Embarq transits traffic, please state the number of minutes of transit traffic delivered by such CLEC to Embarq in Florida during December 2006.

Response:

	MOU
COMCAST PHONE	██████████
BELLSOUTH TELECOMM	██████████
BUSINESS TELECOM INC	██████████
COX COMMUNICATIONS	██████████
ITC DELTACOM	██████████
T3 COMMUNICATIONS	██████████
FLORIDA MULTIMEDIA	██████████
FLORIDA DIGITAL NETWORK	██████████
ADELPHIA BUSINESS SOLUTIONS (TELCOVE)	██████████
INTERMEDIA COMMUNICATIONS INC	██████████
AT&T COMMUNICATIONS	██████████
LEVEL 3 COMMUNICATIONS	██████████

MFS INTELENET (MCI WORLDCOM)	
NEWSOUTH COMMUNICATIONS (NUVOX)	
ORLANDO TELEPHONE	
PAETEC COMMUNICATIONS	
AT&T LONG DISTANCE	
TALLAHASSEE TELEPHONE EXCHANGE	
TIME WARNER TELECOM	
AT&T LOCAL SERVICES	
XO COMMUNICATIONS	
US LEC CORP	
DAYSTAR COMMUNICATIONS (THE ULTIMATE CONNECTION)	
VOLO COMMUNICATIONS	
MCI METRO	

21. In determining a market-based rate for transit service in this arbitration, what should the Commission consider?

Response: The Commission should consider its precedent from the recent Florida order relating to BellSouth's transit traffic obligations (Order No. PSC-06-0776-FOF-TP in Docket Nos. 050119-TP and 050125-TP) in which the FPSC determined that transit traffic was not a §251 requirement. The Commission should also consider the staff's recommendation that BellSouth's market-based rate, which reflects the value-added services associated with providing an intermediary function, should be considered a "just and reasonable" rate.

22. Referring to witness Fox's rebuttal testimony, page 9, lines 2-6, the witness states that "Embarq's proposed rate of \$.005 reflects a considerably smaller multiple (approximately 1.75) of its Commission-approved rate than the rate suggested by staff and recognized by the Commission as an upper limit of a just and reasonable market-based rate for BellSouth."

a. Does "its Commission-approved rate" refer to the rate approved for Embarq or for BellSouth?

Response: It refers to Embarq's Commission approved rate of \$.002867 which is a sum of Embarq's common transport and tandem switching rate elements.

b. What is the Commission-approved rate for Embarq?

Response: \$.002867

- 41. On page 10 of Verizon Access witness Price's rebuttal testimony, lines 19-25, the witness states that Verizon Access is willing to revise its definition of "VoIP" to make clear that VoIP traffic is not intended to include IP-in-the-middle traffic. Does Embarq agree with this revised definition? If negative, please indicate the specific disagreement.**