

MESSER CAPARELLO & SELF, P.A.

Attorneys At Law

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August 14, 2007

ORIGINAL RECEIVED-PPSC 07 AUG 14 PM 4:20 COMMISSION CLERK

BY HAND DELIVERY

Ms. Ann Cole, Director
Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 060822-TL

Dear Ms. Cole:

Enclosed for filing on behalf of Nocatee Development Company, SONOC Company, LLC, Toll Jacksonville Limited Partnership, Pulte Home Corporation and Parc Group, Inc. ("Nocatee") are an original and fifteen copies of Nocatee's Request for Confidential Treatment in COM the above referenced docket.

CTR Please acknowledge receipt of these documents by stamping the extra copy of this letter
ECR "filed" and returning the same to me.

GCL 2 Thank you for your assistance with this filing.

- OPC
RCA
SCR
SGA
SEC
OTH FRS/amb

Sincerely,

Floyd R. Self

Enclosure
cc: Lynn Pappas, Esq.
Parties of Record

This confidentiality request was filed by or for a "telco" for DN. No ruling is required unless the material is subject to a request per 119.07, FS, or is admitted in the record per Rule 25-22.006(8)(b), FAC.
\* 01521-07
\* 01874-01
06245-07
06359-07
06361-07

DOCUMENT NUMBER-DATE

07155 AUG 14 5

PPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Petition of BellSouth Telecommunications, Inc. )  
for Relief from Carrier-of-Last-Resort Obligations ) Docket No. 060822-TL  
Pursuant to Florida Statutes §364.025(6)(d). ) Date Filed: August 14, 2007  
\_\_\_\_\_)

**NOCATEE'S REQUEST FOR CONFIDENTIAL TREATMENT**

Nocatee Development Company, SONOC Company, LLC, Toll Jacksonville Limited Partnership, Pulte Home Corporation and Parc Group, Inc. ("Nocatee"), pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, request confidential treatment of certain data previously filed in this docket pursuant to a claim for confidentiality. In support of this request, Nocatee hereby states:

1. On February 14, 2007, Nocatee filed three documents with the Commission in response to Staff's Data Request No. NOC-1. On February 28, 2007, based upon Nocatee's subsequent review of those documents, Nocatee determined that one of the three documents was no longer confidential and that only limited portions of the two other documents were confidential. Specifically, in the Compensation Agreement, only the per unit fee amount stated on page one was claimed to be confidential, and in the Marketing Support Addendum only the percentage rate of maximum compensation on page two and the marketing support fee penetration rate and corresponding percentage compensation in Exhibit "A" were claimed to be confidential.

2. These two documents with confidential information were subsequently produced by Nocatee in response to various discovery requests in this docket, and these two confidential documents were subsequently identified and entered into the record as Hearing Exhibit Numbers 5 and 7.

DOCUMENT NUMBER-DATE

07155 AUG 14 07

FPSC-COMMISSION CLERK

3. On July 23, 2007, Nocatee filed its Supplemental Response to BellSouth's Second Request for Production of Documents, Item No. 10. The document, BellSouth's response to the Nocatee request for proposals for serving the Nocatee development, was provided to Nocatee as a confidential and proprietary document, and stamped as such. Thus, when Nocatee provided its July 23, 2007 supplemental response, Nocatee filed the entire document as confidential pursuant to a claim for confidentiality. This document was subsequently entered into the record as Hearing Exhibit No. 11.

4. Nocatee hereby files this Request for Confidential Treatment, in accordance with Rule 25-22.006(4), Florida Administrative Code, for the three documents identified in paragraphs 1-3 above. The public and redacted copies required by Rule 25-22.006(4) are not being filed at this time as they were filed with the separate claims for confidentiality already identified above.

5. The information for which confidential treatment is being sought with respect to the Compensation Agreement identifies the exact amount to be paid by Comcast to Nocatee for each residential unit that is sold within Nocatee. The Marketing Support Addendum identifies on page 2 the maximum monthly recurring compensation percentage and at Exhibit "A" the specific penetration levels and corresponding compensation percentages by which Comcast will compensate Nocatee. Neither Nocatee nor Comcast are regulated telecommunications companies with respect to the compensation that may be due under the Compensation Agreement and the Marketing Support Agreement. The compensation described in these two documents provides Nocatee an economic benefit, and such information is not known to or readily ascertainable to other persons. Such information is economically valuable to Nocatee and Comcast's competitors, and Nocatee and Comcast treat such information as confidential,

Nocatee and Comcast maintain various processes and procedures to maintain the secrecy of this information.

6. As was recognized during the hearing in this case, the market for the provision of video, broadband/data, and telephone services (VoIP or traditional landline) in Florida is highly competitive. Nocatee conducted a competitive bidding process seeking out various providers and after negotiating with BellSouth for over a year, Nocatee rejected BellSouth's attempt to provide service and quickly negotiated and executed the two documents with Comcast. Given the competitive nature of the video, broadband, and VoIP markets in Florida, none of which are regulated by this Commission, such compensation information is highly confidential. This information is absolutely treated by Nocatee as confidential, proprietary, trade secret information.

7. A trade secret is defined in section 688.002 (4), Florida Statutes, the Uniform Trade Secrets Act, to mean:

. . . information, including a formula, pattern, compilation, program, devise, method, technique, or process that:

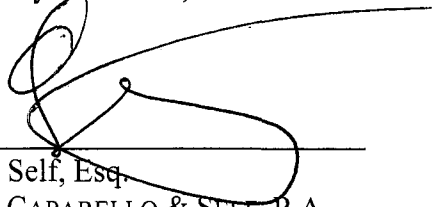
- (a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and
- (b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

The information at issue fits plainly in this definition as set forth above. Accordingly, the Commission should grant the request for confidential treatment and find the information in Hearing Exhibits 5 and 7, to be confidential and exempt from section 119.071(1), Florida Statutes, pursuant to section 364.183(3)(a).

8. With respect to the BellSouth document described in paragraph 3 above, because this document was provided to Nocatee as a confidential document, BellSouth (now AT&T) should file the appropriate request for confidential classification.

WHEREFORE, based on the foregoing, Nocatee respectfully requests that, pursuant to Section 364.183, Florida Statutes, the Commission enter an Order declaring the information described above to be confidential, proprietary business information that is not subject to public disclosure and as appropriate, issue a temporary protective order to protect the BellSouth/AT&T information until such time as AT&T files the appropriate request for confidential classification.

Respectfully submitted,



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Company, SONOC Company, LLC, Toll  
Jacksonville Limited Partnership, Pulte  
Home Corporation and Parc Group, Inc.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by U.S. Mail this 14<sup>th</sup> day of August, 2007.

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Floyd R. Self