

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Compliance investigation of Virtual Reach Corporation for apparent violation of Rules 25-24.470, F.A.C., Registration Required, and 25-22.032(6)(b), F.A.C., Customer Complaints.

DOCKET NO. 070560-TI
ORDER NO. PSC-08-0193-CFO-TI
ISSUED: March 26, 2008

ORDER GRANTING QWEST COMMUNICATIONS CORPORATION'S REQUEST
FOR SPECIFIED CONFIDENTIAL CLASSIFICATION OF
DOCUMENT NO. 00316-08

BY THE COMMISSION:

Pursuant to Rule 25-22.006, Florida Administrative Code (F.A.C.), this order grants material in Document No. 00316-08 "specified confidential classification," thereby designating the material as "proprietary confidential business information" within the meaning of Section 364.183(3), Florida Statutes (F.S.). This classification exempts the material from the disclosure requirements of Section 119.07(1), F.S.

On January 11, 2008, Qwest Communications Corporation (Qwest) filed a request for specified confidential classification. In its request, Qwest seeks confidential classification of information contained in Qwest's response to a subpoena issued on November 26, 2007, by the Florida Public Service Commission (Document No. 00316-08), which consists of information regarding Qwest's business relationship with Virtual Reach Corporation (Virtual Reach) and ACCXX Communications, LLC (ACCXX). Qwest claims that the information concerns contractual relationships between Qwest and both Virtual Reach and ACCXX, the disclosure of which would be adverse to Qwest's competitive business interests. Such information reflects the types of services provided by Qwest, the terms and conditions of the contracts, the prices, and the numbers of customers served by Virtual Reach and ACCXX. Attachment A, attached hereto and incorporated herein, contains a detailed justification of the confidentiality of the information at issue.

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), F.A.C., 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, F.S., or to demonstrate that the information is proprietary confidential information, the disclosure of which will cause the Company or its ratepayers harm.

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Section 364.183(3), F.S., 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 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.

Pursuant to Sections 364.183(3), F.S., it appears that the material described herein is proprietary and should be granted confidential status. As such, Qwest’s request for specified confidential classification of its responses to the Commission’s subpoena (Document No. 00316-08), is hereby granted.

Based on the foregoing, it is

ORDERED by Chairman Matthew M. Carter II, as Presiding Officer, that Qwest Communications Corporation’s Request for Specified Confidential Classification of Document No. 00316-08, as set forth in Attachment A, which is attached and incorporated herein, is granted. It is further

ORDERED that pursuant to Section 364.183, F.S., and Rule 25-22.006, F.A.C., the confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of issuance of this Order, in the absence of a renewed request for confidentiality pursuant to Section 364.183, F.S. 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 Chairman Matthew M. Carter II, as Presiding Officer, this 26th day of March, 2008.



MATTHEW M. CARTER II
Chairman and Presiding Officer

(S E A L)

CCP

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 Office of Commission Clerk, 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.

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EXHIBIT C - FIELD-BY-FIELD JUSTIFICATION

PSC Subpoena Duces Tecum-001. All of the information contained in this response is proprietary confidential business information because it represents information relating to QCC's competitive interests under Section 364.183(e), Florida Statutes, and its disclosure would impair the competitive business of QCC. QCC's competitive interests would be harmed if forced to disclose the identities of its wholesale network long distance services customers and the specific services provided to those customers. Further, this confidential information represents data related to specific QCC customer contracts under Section 364.183(d), Florida Statutes, the disclosure of which would impair the efforts of QCC to contract for goods or services on favorable terms.

PSC Subpoena Duces Tecum-002. All of the information contained in this response is proprietary confidential business information because it represents information relating to QCC's competitive interests under Section 364.183(e), Florida Statutes, and its disclosure would impair the competitive business of QCC. QCC's competitive interests would be harmed if forced to disclose the identities of its wholesale network long distance services customers and the related durations of service. Further, this confidential information represents data related to specific QCC customer contracts under Section 364.183(d), Florida Statutes, the disclosure of which would impair the efforts of QCC to contract for goods or services on favorable terms.

PSC Subpoena Duces Tecum-003. All of the information contained in this response is proprietary confidential business information because it represents information relating to QCC's competitive interests under Section 364.183(e), Florida Statutes, and its disclosure would impair the competitive business of QCC. QCC's competitive interests would be harmed if forced to disclose the identities of its wholesale network long distance services customers and the specific service offerings provided. Further, this confidential information represents data related to specific QCC customer contracts under Section 364.183(d), Florida Statutes, the disclosure of which would impair the efforts of QCC to contract for goods or services on favorable terms.

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PSC Subpoena Duces Tecum-004. All of the information contained in this response is proprietary confidential business information because it represents information relating to QCC's competitive interests under Section 364.183(e), Florida Statutes, and its disclosure would impair the competitive business of QCC. QCC's competitive interests would be harmed if forced to disclose the identities of its wholesale network long distance services customers and the nature and durations for services provided to those customers. Further, this confidential information represents data related to specific QCC customer contracts under Section 364.183(d), Florida Statutes, the disclosure of which would impair the efforts of QCC to contract for goods or services on favorable terms.

PSC Subpoena Duces Tecum-005. All of the information contained in this response is proprietary confidential business information because it represents information relating to QCC's competitive interests under Section 364.183(e), Florida Statutes, and its disclosure would impair the competitive business of QCC. QCC's competitive interests would be harmed if forced to disclose the identities of its wholesale network long distance services customers and the nature and durations for services provided to those customers. Further, this confidential information represents data related to specific QCC customer contracts under Section 364.183(d), Florida Statutes, the disclosure of which would impair the efforts of QCC to contract for goods or services on favorable terms.

PSC Subpoena Duces Tecum-006. All of the information contained in this response is proprietary confidential business information because it represents information relating to QCC's competitive interests under Section 364.183(e), Florida Statutes, and its disclosure would impair the competitive business of QCC. QCC's competitive interests would be harmed if forced to disclose the identities of its wholesale network long distance services customers and the number of retail customers served where QCC was or is the underlying carrier. Further, this confidential information represents data related to specific QCC customer contracts under Section 364.183(d), Florida Statutes, the disclosure of which would impair the efforts of QCC to contract for goods or services on favorable terms.

PSC Subpoena Duces Tecum-007. All of the information contained in this response as provided electronically on a CD-ROM disk is proprietary confidential business information because it represents information relating to QCC's competitive interests

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under Section 364.183(e), Florida Statutes, and its disclosure would impair the competitive business of QCC. QCC's competitive interests would be harmed if forced to disclose the contracts for its wholesale services customers and the rates, terms, and conditions for services provided to those customers. Further, this confidential information represents data related to specific QCC customer contracts under Section 364.183(d), Florida Statutes, the disclosure of which would impair the efforts of QCC to contract for goods or services on favorable terms.

PSC Subpoena Duces Tecum-008. All of the information contained in this response is proprietary confidential business information because it represents data related to specific QCC customer contracts under Section 364.183(d), Florida Statutes, regarding the method of payment to QCC, and the disclosure of which would impair the efforts of QCC to contract for goods or services on favorable terms.

PSC Subpoena Duces Tecum-009. All of the information contained in this response is proprietary confidential business information because it represents data related to specific QCC customer contracts under Section 364.183(d), Florida Statutes, regarding the method of payment to QCC, and the disclosure of which would impair the efforts of QCC to contract for goods or services on favorable terms.

Please note that this is a corrected response to the version previously provided to the Commission on December 24, 2007, with QCC's filing of its Notice of Intent to Request Specified Confidential Classification, which contained an inadvertent scrivener's error.

PSC Subpoena Duces Tecum-010. All of the information contained in this response is proprietary confidential business information because it represents data related to specific QCC customer contracts under Section 364.183(d), Florida Statutes, regarding QCC's customer-specific billing practices, and the disclosure of which would impair the efforts of QCC to contract for goods or services on favorable terms.

PSC Subpoena Duces Tecum-011. All of the information contained in this response is proprietary confidential business information because it represents information relating to QCC's competitive interests under Section 364.183(e), Florida Statutes, and its disclosure would impair the competitive

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business of QCC. QCC's competitive interests would be harmed if forced to disclose specific information regarding QCC's use of billing clearinghouses. Further, this confidential information represents data related to specific QCC customer contracts under Section 364.183(d), Florida Statutes, regarding billing practices, and the disclosure of which would impair the efforts of QCC to contract for goods or services on favorable terms.

PSC Subpoena Duces Tecum-012. All of the information contained in this response is proprietary confidential business information because it represents information relating to QCC's competitive interests under Section 364.183(e), Florida Statutes, and its disclosure would impair the competitive business of QCC. QCC's competitive interests would be harmed if forced to disclose specific customer contact information regarding QCC's wholesale service customers. Further, this confidential information represents data related to specific QCC customer contracts under Section 364.183(d), Florida Statutes, regarding the underlying confidential business relationships between QCC and specific QCC customers, and the disclosure of which would impair the efforts of QCC to contract for goods or services on favorable terms.