

State of Florida



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# Public Service Commission

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

**DATE:** July 14, 2008

**TO:** Rosanne Gervasi, Senior Attorney, Office of the General Counsel

**FROM:** David L. Dowds, Public Utilities Supervisor, Division of Competitive Markets & Enforcement

**RE:** Request for Confidential Classification for Documents in Docket No. 080065-TX

The following document is awaiting an order to approve or deny confidential classification:

Document	Description
03516-08	STAFF'S DIRECT TESTIMONY: EXHIBIT NOS. RJC - 13, RJC - 15, RJC - 19, RJC - 21, AND RJC - 23 AND PAGES 15, 17, AND 18 OF ROBERT J. CASEY'S DIRECT TESTIMONY  AND  EXHIBIT IT-3 OF INTESAR TERKAWAI'S DIRECT TESTIMONY,  FILED APRIL 10, 2008 IN DOCKET NO. 080065-TX

Staff has reviewed this request and find they qualify as proprietary under the definition of proprietary confidential business information in Section 364.183(3), Florida Statutes, and Rule 25-22.006, Florida Administrative Code, regarding requests for confidential classification. Accordingly, staff recommends approval of these requests. If additional detail is needed, please advise.

Office of Commission Clerk (McLean)  
Office of the General Counsel (Gervasi)

- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- FCP \_\_\_\_\_
- FCI \_\_\_\_\_
- OPC \_\_\_\_\_
- PCA \_\_\_\_\_
- PCR \_\_\_\_\_
- CSA \_\_\_\_\_
- SEC \_\_\_\_\_
- OTH *Margaret*

DOCUMENT NUMBER-DATE

06047 JUL 14 08

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation of Vilaire Communications, Inc.'s eligible telecommunications carrier status and competitive local exchange company certificate status in the State of Florida.	DOCKET NO. 080065-TX DATED: APRIL 30, 2008
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**STAFF'S  
REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION**

Staff, pursuant to Rule 25-22.006, Florida Administrative Code (F.A.C.), files its Request for Specified Confidential Classification.

1. On April 10, 2008, Staff filed Direct Testimony of Robert J. Casey and Intesar Terkawi, in compliance with Order No. PSC-08-0194-PCO-TX. Staff filed a Notice of Intent to Request Specified Confidential Classification regarding this proprietary material on that same day.
2. Pursuant to Rule 25-22.006(3)(a), F.A.C., Staff hereby files this Request for Specified Confidential Classification because the information contained in Pages 15, 17, and 18 and Exhibit Nos. RJC - 13, RJC - 15, RJC - 19, RJC - 21, and RJC - 23 of Robert J. Casey's Direct Testimony and Exhibit IT - 3 of Intesar Terkawi's Direct Testimony includes customer specific information which Vilaire Communications, Inc. (VCI), may consider to be proprietary and confidential under Section 364.183(c), Florida Statutes (F.S.).
3. Attachment A to Staff's Request for Confidential Classification contains an explanation of the proprietary information along with a list that identifies the location of the information designated by Staff as confidential.

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4. Public disclosure of this information would be in contravention of the above-referenced statutory provision and would result in the public disclosure of private information. This information should be classified as confidential business information and customer proprietary information pursuant to Section 364.183(3), F.S. Accordingly, it should be held exempt from the public disclosure requirements of Section 119.07, F.S.
5. Staff has treated, and intends to continue to treat, the information for which confidential classification is sought as private, and this information has not been generally disclosed.
6. The original of the Request was filed today with the Commission Clerk and a copy was served on the Parties.

WHEREFORE, based on the foregoing, Staff respectfully requests that, pursuant to Section 364.183(3), F.S., unless articulated otherwise by VCI because it is their information, the Commission enter an order declaring the information described above to be confidential, proprietary business information that is not subject to public disclosure.

Respectfully submitted this 30<sup>th</sup> day of April, 2008.

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LEE ENG TAN  
Staff Counsel

FLORIDA PUBLIC SERVICE COMMISSION  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
(850) 413-6199

ATTACHMENT A

FPSC DOCKET NO: 080065-TX  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
PAGE 1 OF 2  
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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF STAFF'S DIRECT  
TESTIMONY: EXHIBIT NOS. RJC – 13, RJC – 15, RJC – 19, RJC – 21, AND RJC  
– 23 AND PAGES 15, 17, AND 18 OF ROBERT J. CASEY'S DIRECT  
TESTIMONY AND EXHIBIT IT-3 OF INTESAR TERKAWAI'S DIRECT  
TESTIMONY, FILED  
APRIL 10, 2008 IN DOCKET NO. 080065-TX**

***Explanation of Confidential and Proprietary Information***

- 1) The proprietary and confidential information included in these documents is created by information provided by VCI in staff data requests which were filed by the company on December 6, 2007 (DN 10380-07) and January 16, 2008 (DN 00428-08) under claims of confidentiality. This information contains customer proprietary network information, which the Commission has a general duty to protect pursuant to federal law and also contains proprietary, confidential business information, deemed to be confidential pursuant to Section 364.183(3), F.S.
- 2) AT&T submitted responses to Subpoenas Duces Tecum issued by staff and filed claims of confidentiality on December 14, 2007 (DN 10953-07), January 16, 2008 (DN 00423-08), January 23, 2008 (DN 00574-08), and April 4, 2008 (DN 02629-08). The information contained in the responses contains proprietary customer specific business information of VCI, which is deemed to be confidential pursuant to Section 364.183(3), F.S.
- 3) This document contains staff working papers prepared in a staff audit of VCI. The work papers, created from proprietary, confidential business information received from VCI, also include customer proprietary network information, such as customer billing. This information is deemed to be confidential pursuant to Section 364.183(3), F.S.

ATTACHMENT A

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REQUEST FOR CONFIDENTIAL CLASSIFICATION  
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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF STAFF'S DIRECT  
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- 23 AND PAGES 15, 17, AND 18 OF ROBERT J. CASEY'S DIRECT  
TESTIMONY AND EXHIBIT IT-3 OF INTESAR TERKAWAI'S DIRECT  
TESTIMONY, FILED  
APRIL 10, 2008 IN DOCKET NO. 080065-TX**

<u>Witness</u>	<u>Reason</u>
<b>Robert J. Casey</b> 02804-08	
Direct Testimony (pg. 15, 17, 18)	1
Exhibit RJC - 13	1
Exhibit RJC - 15	1
Exhibit RJC - 19	2
Exhibit RJC - 21	2
Exhibit RJC - 23	2
<b>Intesar Terkawi</b>	
Exhibit IT - 3	3
02805-08	

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation of Vilaire Communications, Inc.'s eligible telecommunications carrier status and competitive local exchange company certificate status in the State of Florida.	DOCKET NO. 080065-TX DATED: APRIL 30, 2008
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of STAFF'S REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION has been served by U. S. mail to Beth Keating, Akerman Senterfitt Law Firm, 106 East College Avenue, Suite 1200, Tallahassee, Florida 32301, and that a true copy thereof has been furnished to the following by U. S. mail or by (\*) hand delivery this 30<sup>th</sup> day of April, 2008:

Vilaire Communications, Inc.  
P. O. Box 98907  
Lakewood, WA 98496-8907

(\*)Rosanne Gervasi  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

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LEE ENG TAN  
Staff Counsel

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