



Dulaney L. O'Roark III
Vice President & General Counsel, Southeast Region
Legal Department

Six Concourse Parkway
Suite 800
Atlanta, Georgia 30328

Phone 770-284-3620
Fax 770-284-3008
de.oroark@verizon.com

April 16, 2010

RECEIVED-FPSC
10 APR 16 PM 4:41
COMMISSION
CLERK

Ann Cole, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 090501-TP
Petition for arbitration of certain terms and conditions of an interconnection agreement with Verizon Florida LLC by Bright House Networks Information Services (Florida), LLC

Dear Ms. Cole:

Enclosed for filing in the above matter are an original and 15 copies of the Rebuttal Testimonies of Peter J. D'Amico, William Munsell and Paul B. Vasington on behalf of Verizon Florida LLC. Also enclosed are an original and 15 copies of a Request for Confidential Classification in connection with Mr. D'Amico's testimony.

Service has been made as indicated on the Certificate of Service. If there are any questions regarding this filing, please contact me at (770) 284-3620.

Sincerely,

Dulaney L. O'Roark III *RC for*

Dulaney L. O'Roark III

This confidentiality request was filed by or for a "telco" for DN 02972-10. 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.

COM tas
APA
ECR Enclosures
GCL 1
RAD 14
SSC
ADM
OPC
CLK 1

DOCUMENT NUMBER-DATE
02971 APR 16 2010
FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing were sent via electronic mail on April 16, 2010 to:

Charles Murphy, Staff Counsel
Timisha Brooks, Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
cmurphy@psc.state.fl.us
tbrooks@psc.state.fl.us

Beth Salak
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
bsalak@psc.state.fl.us

Christopher W. Savage
Davis, Wright Tremaine, LLP
1919 Pennsylvania Avenue NW, Suite 200
Washington, DC 20006
chrissavage@dwt.com

Beth Keating
Akerman Senterfitt
Highpoint Center, 12th floor
106 East College Avenue
Tallahassee, FL 32301
beth.keating@akerman.com

Marva B. Johnson
Bright House Networks
301 E. Pine Street, Suite 600
Orlando, FL 32801
marva.johnson@mybrighthouse.com

DL

Dulaney L. O'Roark III

Dulaney L. O'Roark III

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for arbitration of certain terms and conditions of an interconnection agreement with Verizon Florida LLC by Bright House Networks Information Services (Florida), LLC)	Docket No. 090501-TP
)	Filed: April 16, 2010
)	
)	
)	

VERIZON FLORIDA LLC'S REQUEST FOR CONFIDENTIAL CLASSIFICATION AND MOTION FOR PROTECTIVE ORDER

Under Commission Rule 25-22.006, F.A.C., Verizon Florida LLC (Verizon) seeks confidential classification and a protective order for information contained in the Rebuttal Testimony of Peter J. D'Amico filed in this proceeding.

All of the information for which Verizon seeks confidential treatment falls within Florida Statutes section 364.183(3), which defines "proprietary confidential business information" as:

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.

Florida Statutes section 364.183(3)(a) expressly provides that "trade secrets" fall within the definition of "proprietary confidential business information." Florida Statutes section 364.183(3)(e), further provides that "proprietary confidential business information" includes "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information."

The information designated as confidential concerns the interconnection arrangements that Bright House Networks Information Services (Florida), LLC (Bright

House) has with Verizon in Florida. Bright House may consider this network information proprietary and Verizon is not aware that Bright House has made this information available to the public. Accordingly, Verizon respectfully requests that the Commission classify the identified information as confidential and enter an appropriate protective order.

While a ruling on this request is pending, Verizon understands that the information at issue is exempt from Florida Statutes section 119.07(1) and Staff will accord it the stringent protection from disclosure required by Rule 25-22.006(3)(d).

A highlighted copy of the confidential information is attached as Exhibit A. Two redacted copies of the confidential information are attached as Exhibit B. A detailed justification of the confidentiality of the information at issue is attached as Exhibit C.

Respectfully submitted on April 16, 2010.

By: *De. Oroark*
Dulaney L. O'Roark III
Dulaney L. O'Roark III
P. O. Box 110, MC FLTC0007
Tampa, Florida 33601-0110
Phone: (770) 284-3620
Fax: (770) 284-3008
Email: de.oroark@verizon.com

Attorney for Verizon Florida LLC

1 **COULD THEY STILL DO THAT?**

2 A. Of course. Where there is mutual agreement, we can always amend the
3 ICA. If some new kind of traffic or new network technology comes
4 along, such that the parties both would like to establish separate trunk
5 groups for a certain traffic type, we could deal that eventuality with an
6 amendment to the ICA.

7

8 **ISSUE 32: MAY BRIGHT HOUSE REQUIRE VERIZON TO ACCEPT**
9 **TRUNKING AT DS-3 LEVEL OR ABOVE? (Int. Att. § 2.4.6.)**

10

11 **Q. HAVE THE PARTIES RESOLVED THIS ISSUE WITH RESPECT TO**
12 **THEIR CURRENT ARRANGEMENT FOR NETWORK**
13 **INTERCONNECTION?**

14 A. Yes. The parties have agreed that they will include terms in the ICA that
15 will address their current arrangement for network interconnection,
16 which resolves this dispute as long as those physical arrangements
17 remain materially unchanged.

18

19 **Q. PLEASE DESCRIBE THE PARTIES' CURRENT NETWORK**
20 **INTERCONNECTION ARRANGMENT.**

21 A. **[BEGIN CONFIDENTIAL]** XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
22 XX
23 XX
24 XX
25 XX

1 XXX
2 XXX
3 XXX
4 XXXXXXXXXXXXXXXXXXXX [END CONFIDENTIAL]

5
6 **Q. WHAT IS THE SCOPE OF THIS DISPUTE?**

7 A. That is not clear because the settlement covers the parties' current
8 interconnection arrangement and Mr. Gates does not state what
9 material changes to the current interconnection arrangement Bright
10 House might request. Bright House thus appears to be asking the
11 Commission to address this issue in the abstract, without reference to a
12 particular network configuration, which alone is reason to reject Bright
13 House's proposed language. In any event, because the interconnection
14 arrangements in place at Verizon's tandem office have been resolved, it
15 appears that whatever theoretical disagreement the parties may have
16 concerns whether Verizon's end office switches should have DS3 switch
17 ports. Because Bright House is sending [BEGIN CONFIDENTIAL] XXX
18 XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX, [END CONFIDENTIAL]
19 Bright House has no practical need for the Commission to address this
20 issue, but in any case Bright House is wrong for the reasons I discuss
21 below.

22
23 **Q. WHAT WOULD VERIZON BE REQUIRED TO DO IF ITS END OFFICE
24 SWITCHES HAD TO ACCEPT DS3 LEVEL TRAFFIC WITHOUT
25 MULTIPLEXING?**

EXHIBIT C

CONFIDENTIAL INFORMATION	LINE(S)/COLUMN(S)	REASON
Direct Testimony of Peter J. D'Amico: Page 9 Page 10	Lines 21-25 1-4; 17-18 All highlighted text	This information concerns the interconnection arrangements that Bright House has with Verizon in Florida. Bright House may consider this network information proprietary and Verizon is not aware that Bright House has made this information available to the public.

COMMISSIONERS:
NANCY ARGENZIANO, CHAIRMAN
LISA POLAK EDGAR
NATHAN A. SKOP
DAVID E. KLEMENT
BEN A. "STEVE" STEVENS III

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

Public Service Commission

ACKNOWLEDGEMENT

DATE: April 16, 2010

TO: Dulaney L. O'roark III

FROM: Diamond Williams, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 090501-TP or, if filed in an undocketed matter, concerning Rebuttal Testimonies of Peter D'Arnico, William Munsell, and Paul Vasington, and filed on behalf of Verizon Florida Llc. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850
An Affirmative Action/Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us