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TALLAHASSEE, FL 32399-0850

# Public Service Commission

February 7, 2011

Ilan Kaufer  
Attorney for Fibernet, LLC  
9250 West Flagler Street  
Miami, Florida 33174

**Re: Docket 110000, Approval of Requests by FPL Fibernet, LLC, for a Confidential Classification for Material Obtained During Audits Numbered 10-179-4-1 and 10-179-4-4, Confidential Documents Numbered 08826-10, 09277-10, 08824-10, and 09272-10**

Dear Mr. Kaufer:

On November 9, 2010, FPL Fibernet, LLC, requested that the Commission grant a confidential classification to materials gathered during the staff review of the Regulatory Assessment Fee liability of private line (AAV) telecommunications operations conducted by FPL Fibernet, LLC (Company Code TA053), Audit Numbered 10-179-4-1, Document Nos. 08826-10 and 09277-10.

Also on November 9, 2010, in a separate request, Fibernet, LLC, asked the Commission to grant a confidential classification to materials gathered during the staff review of the Regulatory Assessment Fee liability of competitive local exchange telecommunications services (CLEC) conducted by FPL Fibernet, LLC (Company Code TX603), Audit Numbered 10-179-4-4, Document Nos. 088224-10 and 09272-10.

Fibernet's requests are treated as "claims of confidentiality" pursuant to Section 364.183(1), Florida Statutes, and Rule 25-22.006(5), F.S., because the information at the heart of these 2 requests pertains to sensitive telecommunications information. The Commission is authorized to only grant "claims of confidentiality" for the telecommunications industry.

As a result of the "claims of confidentiality",

- COM** \_\_\_\_\_ A commission order is not necessary to effect the claim, so a commission order will not be issued in
- APA** \_\_\_\_\_ this matter – staff's recommendation to the Commission Clerk recognizes the claim.
- ECR** \_\_\_\_\_
- GCL** \_\_\_\_\_ EPL Fibernet's information will be held in a confidential status for an unlimited time period.
- RAD** \_\_\_\_\_
- SSC** \_\_\_\_\_ Lastly, if this information is placed before the Commission in an evidentiary matter such as a public
- ADM** \_\_\_\_\_ hearing, or if a public request is made, FPL Fibernet would have to proceed with its request for
- OPC** \_\_\_\_\_
- CLK** \_\_\_\_\_

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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*confidential classification. Staff believes that it is unlikely that these staff worksheets will be entered into the record at an evidentiary hearing or request.*

For your information, we are enclosing copies of the Bureau of Auditing's correspondence to the Clerk which recognizes FPL Fibernet's 2 claims concerning these confidential documents.

If you have any technical questions regarding this matter, please contact me at (850) 413-6416. If you have procedural questions or if you would like to talk to the assigned attorney on this matter, please contact, Martha Brown at (850) 413-6187.

Sincerely,



Lynn Deamer  
Regulatory Analyst Supervisor  
Office of Auditing and Performance Analysis

Enclosures (2) – 4 pages

Cc: Office of General Counsel (Brown) (w/o enclosures)  
Office of Commission Clerk (w/o enclosures) (2)