

claim of confidentiality
 notice of intent
 request for confidentiality
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Docket No. 120169-TP, Notice of Adoption of Existing Interconnection, Unbundling, Resale and Collocation Agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast and New Talk, Inc. by Digital Express, Inc.

Docket No. 120169-TP

Filed: July 30, 2012

COMMISSION
CLERK

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DIGITAL EXPRESS, INC.'S REQUEST FOR CONFIDENTIAL CLASSIFICATION

Digital Express, Inc. (Digital), pursuant to rule 25-22.006, Florida Administrative Code, requests confidential classification for certain information contained in one document attached to AT&T Florida's (AT&T) Response in Opposition to Notice of Adoption Filed by Digital Express, Inc. and Answer and Affirmative Defenses, filed on July 9, 2012. As grounds therefor, Digital states:

1. On June 5, 2012, Digital filed a Notice of Adoption with the Commission adopting the interconnection agreement between AT&T and New Talk, Inc.
2. On July 9, 2012, AT&T filed a Response in Opposition to Digital's Notice of Adoption.
3. Attached to AT&T's response were a number of documents for which AT&T filed a Notice of Intent to Request Specified Confidential Classification, noting that Digital would be responsible for seeking confidential classification for any documents it claimed were confidential.

4. Section 364.183(3), Florida Statutes, provides that:

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

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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.

Section 364.183(3)(f), Florida Statutes, provides that "proprietary confidential business information" includes:

Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

5. Digital has reviewed the documents AT&T attached to its Response and seeks confidential classification for only a portion of Exhibit No. 2 - Digital's Confidential Credit Application. The information for which Digital requests confidential classification are:

- Mr. Kloss' (a Digital officer) social security number;¹
- The identity of Digital's bank and Digital's bank account number;
- Digital's tax identification number.

This information falls squarely within the types of information for which confidential classification is appropriate. Failure to protect such information could also lead to identity theft as well as compromise Digital's bank account.

6. Exhibit A to this request is a matrix providing justification and support for confidential classification of the highlighted information on the Confidential Credit Application. Exhibit B is one copy of the confidential information with such information highlighted. Exhibit C is two redacted copies of the information.

7. The designated information for which confidential classification is sought is intended to be and is treated by Digital as confidential.

¹ AT&T redacted Mr. Armstrong's social security number but not Mr. Kloss' social security number.

WHEREFORE, Digital requests that the highlighted information on Attachment B be accorded confidential classification.

s/ Vicki Gordon Kaufman _____

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EXHIBIT A

Justification Matrix

Line No.

1, 2, 3, 4

Justification

364.183(3); 364.183(3)(f) protects information that could cause harm to a person or a company's business operations. Clearly, disclosure of a social security number and bank information, including bank account numbers could harm individuals and the company. Further, failure to protect this information could lead to identity theft and/or fraud.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Digital Express, Inc.'s Request for Confidential Classification has been furnished by Electronic Mail and U.S.

Mail this 30th day of July, 2012, to the following:

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s/ Vicki Gordon Kaufman _____

Vicki Gordon Kaufman