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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for submission of proposals for relay service, beginning in June 2005, for the hearing and speech impaired, and other implementation matters in compliance with the Florida Telecommunications Access System Act of 1991

Docket No. 040763-TP
Filed: November 18, 2004

REQUEST FOR CONFIDENTIAL CLASSIFICATION

The Hamilton Telephone Company d/b/a Hamilton Telecommunications ("Hamilton"), pursuant to Section 364.183, Florida Statutes, Rule 25-22.006, Florida Administrative Code, and Section A.25. of the Florida Public Service Commission's (the "Commission"s) Request for Proposals to Provide a Telecommunications Relay Service System in Florida (the "RFP") requests that the Commission classify as confidential audited financial statements for the fiscal years ending June 30, 2003 and June 30, 2004 for Hamilton and its holding company, Nedelco, Inc. ("Nedelco") (the "Financial Statements") that are required to be included by Hamilton in its response to the RFP. In support of this request Hamilton states:

1. Hamilton is filing this Request for Confidential Classification contemporaneously with submitting its proposal in response to the RFP. Section C.4. of the RFP states:

To allow the FPSC to evaluate the financial responsibility of the bidding company, the following items shall be submitted with the proposal for the bidding company (and its parent company, if applicable):

- a. Audited financial statements (or a SEC 10K Report) for the most recent two (2) years, including at a minimum;
 - 1) statement of income and related earnings,
 - 2) cash flow statement,
 - 3) balance sheet, and,

CMP _____
 COM _____
 CTR _____
 ECR _____
 GCL 1
 OPC _____
 MMS _____
 RCA _____
 SCR _____
 SEC 1
 OTH 1 conf records

no cert. info. in request; DN Scanned.
(DN not to be scanned)
11/2004

This confidentiality request was filed by or for a "telco" for DN 12449-04. 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.

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- 4) opinion concerning financial statements from an outside CPA.

2. Hamilton is a privately held company as is Nedelco, which is Hamilton's holding company. The information in the Financial Statements for which Hamilton is seeking confidential classification is intended to be and has been treated by Hamilton and Nedelco as private and has not been disclosed unless disclosed pursuant to a statutory provision, order of a court or administrative body, or private agreement that provides that the information will not be released to the public.

3. The specified proprietary confidential business information contained in the Financial Statements is entitled to confidential classification pursuant to Section 364.183, Florida Statutes, and is exempt from Section 119.07(1), Florida Statutes, and Article I, Section 24(a) of the Florida Constitution. Section 364.183(3) 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.

§ 364.183(3), Fla. Stat. (2004). Section 364.183(3) further provides that "proprietary confidential business information" includes "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information." § 364.183(3)(e), Fla. Stat. (2004).

4. The Financial Statements contain "proprietary confidential business information" within the meaning of that term as described in Section 364.183(3). The information for which confidential classification is sought is financial information of privately held companies. This

information reveals the financial resources of Hamilton and its holding company, Nedelco, and, if disclosed, could cause harm to their business operations.

5. Attached hereto is a separate sealed envelope containing one unredacted copy of the Financial Statements and an additional unredacted copy of the Financial Statements on which the information claimed as confidential is highlighted. Also attached are two edited copies of the Financial Statements to Hamilton's Application with the information for which Hamilton is requesting confidential classification redacted. Edited copies of the Financial Statements are also included in Attachment 12 of each copy of Hamilton's response to the RFP with a notation that the unredacted copy has been filed under cover of this Request for Confidential Classification.

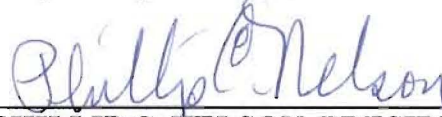
6. All of the information contained in the Financial Statements is confidential with the exception of the title pages of the financial statements, the introductory letters from the auditors, the indices to the financial statements, and the headings of each page of the financial statements. Because the Financial Statements are confidential in their entirety except as described above, there is no basis for articulating a line-by-line justification for confidential treatment of the information. Hamilton, however, has summarized the confidential information in this Request for Confidential Classification.

7. At this time, Hamilton is unable to provide a date by which the Financial Statements will no longer be proprietary confidential business information.

8. Hamilton has good cause and justification for its request, and continued confidentiality of the Financial Statements will not prejudice the Commission or any persons or entities.

WHEREFORE, Hamilton respectfully requests that the Commission determine that the specified information in the Financial Statements is confidential and exempt from the Public Records Act, Chapter 119, Florida Statutes, and Article I, Section 24(a) of the Florida Constitution.

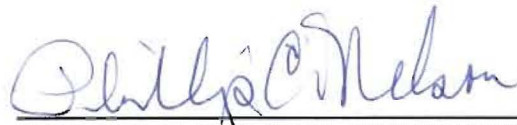
Respectfully submitted,



**PHILLIP C. NELSON, PRESIDENT
HAMILTON TELEPHONE COMPANY D/B/A
HAMILTON TELECOMMUNICATIONS**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT a true and correct copy of the foregoing was furnished by U.S. Mail to Harold M. McLean, Office of Public Counsel, 111 W. Madison Street, Room 812, Tallahassee, Florida 32399 this 16th day of November, 2004.



**PHILLIP C. NELSON, PRESIDENT
HAMILTON TELEPHONE COMPANY D/B/A
HAMILTON TELECOMMUNICATIONS**

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