

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of Florida lifeline program involving bundled service packages and placement of additional enrollment requirements on customers.

DOCKET NO. 080234-TP
ORDER NO. PSC-09-0085-CFO-TP
ISSUED: February 9, 2009

ORDER GRANTING VERIZON FLORIDA'S
REQUEST FOR CONFIDENTIAL TREATMENT OF
DOCUMENT NO. 11814-08 AND MOTION FOR PROTECTIVE ORDER

On December 23, 2008, Verizon Florida LLC ("Verizon") filed a Request for Confidential Treatment and Motion for Protective Order. Verizon seeks confidential treatment of certain information contained in its response to Interrogatory No. 10 of Staff's First Set of Interrogatories ("Document No. 11814-08"). This information represents the percentage of Verizon access lines that are used for bundled services. Verizon asserts the following: 1) the information falls within the definition of proprietary confidential business information found in section 364.183(3), Florida Statutes; 2) if disclosed, the information would allow Verizon's competitors to more easily develop entry and marketing strategies to ensure success in competing with Verizon; 3) such entry would severely jeopardize Verizon's competitive position; 4) such an unfair advantage would skew the operation of the market, to the ultimate detriment of the telecommunications consumer, and 5) the information has been confidentially maintained by Verizon.

Florida law presumes that documents submitted to governmental agencies shall be public records. The only exceptions to this presumption are the specific statutory exemptions provided in the law and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. This presumption is based on the concept that government should operate in the "sunshine." Rule 25-22.006(4)(c), Florida Administrative Code, provides that it is the Company's burden to demonstrate that the documents fall into one of the statutory examples set out in Section 364.183, Florida Statutes, or to demonstrate that the information is proprietary confidential information, the disclosure of which will cause the Company or its ratepayers harm.

Section 364.183(3), Florida Statutes, in pertinent part, provides the following:

[t]he 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 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.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

The document has been reviewed to confirm that the information for which Verizon seeks protection against disclosure qualifies for exemption. Upon review, I find that the information described herein is proprietary confidential business information in accordance with Section 364.183, Florida Statutes, and Rule 25-22.0006, Florida Administrative Code. Disclosure of this information would harm Verizon by giving its competitors an unfair advantage in developing their own competitive strategies. As such, Verizon's Request for Confidential Treatment and Motion for Protective Order for the highlighted information contained in Document No. 11814-08 is hereby granted.

Based on the foregoing, it is

ORDERED by Commissioner Nathan A. Skop, as Prehearing Officer, that Verizon Florida LLC's request for Confidential Treatment and Motion for Protective Order for Document No. 11814-08 is granted. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the document specified herein shall expire eighteen (18) months from the date of issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 364.183. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Commissioner Nathan A. Skop, as Prehearing Officer, this 9th day of February, 2009.



NATHAN A. SKOP
Commissioner and Prehearing Officer

(SEAL)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.