

Ruth Nettles

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Sent: Friday, August 07, 2009 2:36 PM
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Cc: Adam Teitzman; cecilia_bradley@oag.state.fl.us; David Christian; Dulany O'Roark; Floyd R Self; Mike Twomey; Rosanne Gervasi; Lee Eng Tan; Vicki Gordon Kaufman
Subject: e-filing (Dkt. No. 080278-TL)
Attachments: 080278 OPC Objection to Claim of Confidentiality.sversion.doc

Electronic Filing

a. Person responsible for this electronic filing:

Charlie Beck, Deputy Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
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b. Docket No. 080278-TL

In re: Joint petition for show cause proceedings against Verizon Florida LLC for apparent violation of Rule 25-4.070, F.A.C., Customer Trouble Reports, and impose fines, by the Office of the Attorney General, Citizens of the State of Florida, and AARP.

c. Document being filed on behalf of Office of Public Counsel

d. There are a total of 4 pages.

e. The document attached for electronic filing is Citizens' Objection to Verizon's Claim of Confidentiality.

(See attached file: 080278 OPC Objection to Claim of Confidentiality.sversion.doc)

Thank you for your attention and cooperation to this request.

Brenda S. Roberts
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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition for show cause proceedings against Verizon Florida LLC for apparent violation of Rule 25-4.070, F.A.C., Customer Trouble Reports, and impose fines, by the Office of the Attorney General, Citizens of the State of Florida, and AARP.

Docket No. 080278-TL

Filed August 7, 2009

CITIZENS' OBJECTION TO VERIZON'S CLAIM OF CONFIDENTIALITY

Pursuant to Rule 25-22.006(3)(b), Florida Administrative Code, the Citizens of Florida, through the Office of Public Counsel, file this objection to certain portions of the request for confidential classification filed by Verizon on July 31, 2009, and state the following:

On July 23, 2009, Citizens filed the direct testimony of Earl Poucher in this proceeding. Since Mr. Poucher's testimony was based in part on his review of documents which are subject to motions for temporary protective orders by Verizon, the testimony was filed as confidential pending a review of Mr. Poucher's testimony by Verizon.

Verizon reviewed Mr. Poucher's testimony and provided OPC a redacted copy of his testimony on July 31. In addition, Verizon filed a request for confidential classification and motion for protective order seeking to exempt the redacted information from Section 119.07(1), Florida Statutes.

Under Rule 25-22.006(4)(e), Florida Administrative Code, Verizon has the burden of proof to show that the material in question contains *bona fide* proprietary confidential business information. Citizens submit that this burden

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has not been met for the following sections of Mr. Poucher's testimony and exhibits:

Page 7, lines 13 and 14.

Page 9, lines 1-3, 16-17.

Page 10, lines 6-7.

Exhibit REP-1, all three redactions.

Exhibit REP-2, page 1 of 4 (all).

Exhibit REP-3, all three pages.

Exhibit REP-4, redactions on both pages.

The cited information may be embarrassing or adverse to Verizon, but none of this information is *bona fide* confidential information. It should not be exempt from the provisions of the Public Records Law.

Accordingly, Citizens request the Prehearing Officer to conduct an *in camera* inspection of the cited information, find that Verizon has failed to meet its burden to show that it is *bona fide* confidential information, and issue an order denying Verizon's request that this information be exempt from section 119.07(1), Florida Statutes.

Respectfully submitted,

s/ Charlie Beck
Charlie Beck
Deputy Public Counsel

Office of Public Counsel
c/o The Florida Legislature
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CERTIFICATE OF SERVICE

I, **HEREBY CERTIFY** that a true and correct copy of the CITIZENS' OBJECTION TO VERIZON'S CLAIM OF CONFIDENTIALITY has been furnished by electronically and by U.S. Mail on this 7th day of August, 2009, to the following:

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Theresa Tan
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s/ Charlie Beck
Charlie Beck
Deputy Public Counsel