

Dulaney L. O'Roark III
Vice President & General Counsel, Southeast Region
Legal Department

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Six Concourse Parkway
Suite 800
Atlanta, Georgia 30328

Phone 770-284-3620
Fax 770-284-3008
de.oroark@verizon.com

March 26, 2010

Ann Cole, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 090501-TP
Petition for arbitration of certain terms and conditions of an interconnection
agreement with Verizon Florida LLC by Bright House Networks Information
Services (Florida), LLC

Dear Ms. Cole:

Enclosed for filing in the above matter are an original and 15 copies of the Direct
Testimonies of Peter J. D'Amico, William Munsell and Paul B. Vasington on behalf of
Verizon Florida LLC. Also enclosed are an original and 15 copies of a Request for
Confidential Classification in connection with Mr. Munsell's testimony.

Service has been made as indicated on the Certificate of Service. If there are any
questions regarding this filing, please contact me at (770) 284-3620.

Sincerely,

PC 401

Dulaney L. O'Roark III

Dulaney L. O'Roark III

tas

Enclosures

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This confidentiality request was filed by or
for a "telco" for DN ~~02188-10~~. 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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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing were sent via electronic mail on March 26, 2010 to:

Adam Teitzman, Staff Counsel
Jamie L. Morrow, Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
ateitzma@psc.state.fl.us
jmorrow@psc.state.fl.us

Beth Salak
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
bsalak@psc.state.fl.us

Christopher W. Savage
Davis, Wright Tremaine, LLP
1919 Pennsylvania Avenue NW, Suite 200
Washington, DC 20006
chrissavage@dwt.com

Beth Keating
Akerman Senterfitt
Highpoint Center, 12th floor
106 East College Avenue
Tallahassee, FL 32301
beth.keating@akerman.com

Marva B. Johnson
Bright House Networks
301 E. Pine Street, Suite 600
Orlando, FL 32801
marva.johnson@mybriighthouse.com

DC for

Dulaney L. O'Roark III

DOCUMENT NUMBER-DATE

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for arbitration of certain terms and conditions of an interconnection agreement with Verizon Florida LLC by Bright House Networks Information Services (Florida), LLC)
Docket No. 090501-TP)
Filed: March 26, 2010)
_____)
_____)

VERIZON FLORIDA LLC'S REQUEST FOR CONFIDENTIAL CLASSIFICATION AND MOTION FOR PROTECTIVE ORDER

Under Commission Rule 25-22.006, F.A.C., Verizon Florida LLC (Verizon) seeks confidential classification and a protective order for information contained in the Direct Testimony of William Munsell filed in this proceeding.

All of the information for which Verizon seeks confidential treatment falls within Florida Statutes section 364.183(3), which 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.

Florida Statutes section 364.183(3)(a) expressly provides that "trade secrets" fall within the definition of "proprietary confidential business information." Florida Statutes section 364.183(3)(e), further provides that "proprietary confidential business information" includes "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information."

If competitors were able to acquire this detailed and sensitive information regarding Verizon, they could more easily develop entry and marketing strategies to

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ensure success in competing with Verizon. This would afford them an unfair advantage while severely jeopardizing Verizon's competitive position. In a competitive business, any knowledge obtained about a competitor can be used to the detriment of the entity to which it pertains, often in ways that cannot be fully anticipated. This unfair advantage skews the operation of the market, to the ultimate detriment of the telecommunications consumer. Accordingly, Verizon respectfully requests that the Commission classify the identified information as confidential and enter an appropriate protective order.

While a ruling on this request is pending, Verizon understands that the information at issue is exempt from Florida Statutes section 119.07(1) and Staff will accord it the stringent protection from disclosure required by Rule 25-22.006(3)(d).

A highlighted copy of the confidential information is attached as Exhibit A. Two redacted copies of the confidential information are attached as Exhibit B. A detailed justification of the confidentiality of the information at issue is attached as Exhibit C.

Respectfully submitted on March 26, 2010.

QC for
By: Dulaney L. O'Roark III
Dulaney L. O'Roark III
P. O. Box 110, MC FLTC0007
Tampa, Florida 33601-0110
Phone: (770) 284-3620
Fax: (770) 284-3008
Email: de.oroark@verizon.com

Attorney for Verizon Florida LLC

1 House with the access it needs to be successful, consistent with the
2 level of access Verizon has provided to other carriers and without
3 raising significant operational concerns for Verizon's network. These
4 existing arrangements have been so successful that Bright House's
5 cable affiliate ("Bright House Cable") now serves "roughly one-third of
6 the residential market" in the Tampa Bay area." (Petition at 4.) In fact,
7 XXX
8 XXX. Bright House reports
9 XXXXXXXX Home Phone customers as of year-end 2009, while Verizon
10 had XXXXXXXXXXXXX residential customers. Moreover, Bright House
11 Cable has *added* XXXXXXXXXXXXXXXXXXXX subscribers every year since
12 2007, while Verizon has *lost* hundreds of thousands during the same
13 period. Bright House likewise acknowledges that the existing ICA has
14 allowed Bright House Cable "to receive recognition for customer service
15 for its products and services, recently earning national attention by the
16 highly respected J.D. Power and Associates organization for its Digital
17 Phone service, for the fourth year in a row." (Petition at 5.) In short,
18 under the current ICA, Bright House and its cable affiliate represent
19 what Bright House touts as "one of the most significant, and sustained,
20 success stories in the efforts of the State of Florida (as well as the
21 federal government) to promote local telephone competition." (Petition
22 at 6.) By any objective measure, Bright House's existing interconnection
23 arrangements with Verizon have enabled Bright House to compete
24 successfully.

25

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24 successfully.

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EXHIBIT C

CONFIDENTIAL INFORMATION	LINE(S)/COLUMN(S)	REASON
Direct Testimony of William Munsell: Page 5	Lines 7-11 All highlighted text	This information concerns Verizon and Bright House customer count information. Verizon's customer count information is competitively sensitive, confidential and proprietary business information that has been confidentially maintained by Verizon. Bright House has claimed confidentiality with respect to its customer count information and Verizon accordingly has treated that information in accordance with Bright House's claim.

STATE OF FLORIDA

COMMISSIONERS:
NANCY ARGENZIANO, CHAIRMAN
LISA POLAK EDGAR
NATHAN A. SKOP
DAVID E. KLEMENT
BEN A. "STEVE" STEVENS III



OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

Public Service Commission

ACKNOWLEDGEMENT

DATE: March 26, 2010

TO: Dulaney L. O'roark, lii, Verizon

FROM: Ruth Nettles, Office of Commission Clerk

RE: **Acknowledgement of Receipt of Confidential Filing**

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 090501 or, if filed in an undocketed matter, concerning information contained in direct testimony of William Munsel, and filed on behalf of Verizon. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.

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PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us