

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
ORDER NO. PSC-10-0266-CFO-TP
ISSUED: April 28, 2010

ORDER GRANTING VERIZON'S REQUEST FOR
CONFIDENTIAL TREATMENT AND MOTION FOR PROTECTIVE ORDER
OF DOCUMENT NO. 02202-10

On March 29, 2010, Verizon Florida LLC (Verizon), pursuant to Rule 25-22.006, Florida Administrative Code, filed a Request for Confidential Treatment and Motion for Protective Order of all highlighted information in Attachment A of its responses to Bright House Networks Information Services (Florida), LLC's First Set of Interrogatories (Nos. 1-12). This information includes approximate customer counts for Verizon's service territory (as a whole and for the portion that overlaps with Bright House's service territory). In support of its request, Verizon states that all of the information for which Verizon seeks confidential treatment falls within the definition of "proprietary confidential business information" as defined in Section 364.183(3) of Florida Statutes. Verizon also states that 364.183(3)(a), F.S. expressly provides that "trade secrets" fall within the definition of "proprietary confidential business information," and that 364.183(3)(e), F.S. 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." Verizon asserts that if competitors were able to acquire this detailed and sensitive information regarding Verizon, they could more easily develop entry and marketing strategies to ensure success in competing with Verizon and that this would afford them an unfair advantage while severely jeopardizing Verizon's competitive position.

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 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

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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.

Based on the definition of proprietary confidential business information in Section 364.183(3), Florida Statutes, it appears that the material described herein is proprietary business information in accordance with Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. Disclosure of this information could cause competitive harm to Verizon and provide competitors with an unfair advantage. As such, Verizon's Request for Specified Confidential Classification and Motion for Protective Order regarding information contained in Document No. 02202-10 is hereby granted.

Based on the foregoing, it is

ORDERED by Commissioner David E. Klement, as Prehearing Officer, that Verizon Florida LLC's Request for Specified Confidential Classification and Motion for Protective Order regarding all highlighted information in Attachment A of Verizon Florida LLC's responses to Bright House Networks Information Services (Florida), LLC's First Set of Interrogatories (Nos. 1-12) contained in Document No. 02202-10 is hereby granted. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the confidentiality granted to material specified herein shall expire eighteen (18) months from the date of the issuance of this Order, in the absence of a renewed request for confidentiality pursuant to Section 364.183, Florida Statutes. 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 David E. Klement, as Prehearing Officer, this 28th day of April, 2010.


DAVID E. KLEMENT
Commissioner and Prehearing Officer

(SEAL)

TJB

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.