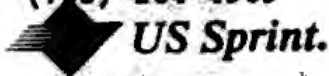


Eastern Group Headquarters  
2002 Edmund Halley Drive  
Reston, VA 22091

(703) 264-4969



**HAND DELIVERED  
VIA AIRBORNE EXPRESS**

January 30, 1991

Mr. Steve Tribble  
Commission Clerk  
Florida Public Service  
Commission  
101 East Gaines St.  
Tallahassee, FL 32301

410101-TI

RE: Annual Report of US Telecom, Inc. d/b/a/ Sprint Gateways;  
Request for Specified Confidential Classification

Dear Mr. Tribble:

Enclosed are an original and 15 copies of US Telecom, Inc.'s Motion for Specified Confidential Classification of its 1990 Annual Report. Included with this Motion is a sealed copy of the Annual Report, which contains highlighted proprietary information. Under separate cover, an edited version of the Report was filed for the public record.

Please date stamp the additional copy of this letter and return it for our files. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Helen M. Hall".

Helen M. Hall  
Attorney

Enclosures

*Confidential*  
DOCUMENT NUMBER-DATE

01017 JAN 31 1991

PSC-RECORDS/REPORTING

*Motion*  
DOCUMENT NUMBER-DATE

01018 JAN 31 1991

PSC-RECORDS/REPORTING

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Request of US Telecom, )  
Inc., d/b/a Sprint Gateways ) Docket No. 910/01-TI  
for Specified Confidential )  
Classification )

**MOTION OF US TELECOM, INC. D/B/A  
SPRINT GATEWAYS FOR SPECIFIED  
CONFIDENTIAL CLASSIFICATION**

US Telecom, Inc. d/b/a Sprint Gateways ("US Telecom"), pursuant to Florida Statutes section 364.183 and Florida Administrative Code Rule 25-22.006, requests that the Florida Public Service Commission ("Commission") grant specified confidential classification of US Telecom's 1990 Annual Report ("Report") to the Commission. In support of this Motion, US Telecom states as follows.

1. US Telecom holds a certificate of public convenience and necessity from this Commission to operate as a minor interexchange carrier ("IXC").

2. US Sprint is required to file Annual Report Form PSC/CMU 38 with the Commission. Certain information to be included in the report is proprietary and sensitive business information, disclosure of which would be harmful to US Telecom.

3. Pursuant to Florida Administrative Code Rule 25-22.006(3), the information for which specified confidential classification is sought is summarized as follows.

a. Specific addresses of Points of Presence ("POPs") utilized by US Telecom;

b. PIU factors at these POP locations.

Attached, in a sealed envelope, is a copy of US Telecom's 1990 Annual Report, containing the proprietary information. The proprietary information has been highlighted. An edited version of the Report has been filed with the Commission for public record under separate cover, by letter dated January 24, 1991, from Michael Nelson.

4. Because of the nature of interexchange competition, US Telecom requests that the specified information be classified as confidential for a minimum of 3 years. Upon expiration of that period, US Telecom requests that the Report be returned to US Telecom through the undersigned counsel.

5. US Telecom does not object to providing the specified confidential information to the Commission. Rather, US Telecom's concern is that this information not be made part of the public record. There is no compelling need or legitimate interest served by public disclosure of the specified information.

6. Pursuant to Florida Statutes section 364.183(3)(a) and (3)(e), the specified confidential information is and should be deemed confidential material by the Commission, since it is a trade secret, and/or information relating to competitive interests, the disclosure of which would seriously impair the efforts of US Telecom in the competitive marketplace.

II. Trade Secret Information

7. Florida Statutes section 364.183(3)(a) provides that proprietary confidential information subject to exemption from

Florida Statutes section 119.01(1) includes trade secrets. Neither this statute nor the Rules of the Commission define this term. The Legislature has, however, adopted a general definition for trade secrets in the Uniform Trade Secrets Act that appears appropriate for guiding the Commission in this area. Florida Statutes section 688.002(4) (1989) defines a trade secret as:

[I]nformation, including a formula, pattern, compilation, program, device method, technique, or process that:

(a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and

(b) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Identification of the address of POPs utilized by US Telecom, and the FIU percentages by POP, clearly meets both of the statutory requirements for a trade secret and the confidential information falls within the scope of the Commission's decision reached in Order No. 21362.

8. First, the subject information satisfies the test under (a) above because it would unduly hamper US Telecom's ability to bargain and contract with customers for equipment and services, thus constituting an "economic value" sought to be protected by the statute. Moreover, identification of POP addresses poses a valid security concern for the protection of valuable network equipment vital to US Telecom's provision of services, thus further constituting an "economic value." US Telecom is not engaged in the provision of monopoly telephone services. Rather, as expressly



recognized by this Commission, US Telecom is engaged in the provision of competitive interexchange services. The compilation of this information is used in the course of business by US Telecom, and its public release would provide an advantage or an opportunity to obtain an advantage, not presently available or it would provide a risk to the security of the company's facilities.

9. Disclosure of this information would also be of adverse economic impact to US Telecom's competitive posture vis a vis other IXCs. US Telecom's network has been designed and installed based in part on a business plan that includes analysis of current and future market potential. Public disclosure of POP addresses and PIU by POPs could enable a competitor to deduce US Telecom's business plan and evaluation of actual and potential markets, thus making the results of US Telecom's research and planning available at essentially no cost. With this information, markets may be abandoned or not entered, additional or enhanced facilities may not be installed, or installation decisions may otherwise be negatively affected. In short, business decisions will be impacted, the marketplace will be skewed, and customers will experience adverse service and pricing problems unless US Telecom's motion for confidential classification is granted.

10. US Telecom's POP locations merit protection to preclude the opportunity for scientific blackmail, criminal mischief, national security sabotage, or other damage to the network.

11. In addition, US Telecom has taken reasonable steps to assure that this proprietary information is not known or readily

ascertainable by other persons who might otherwise derive economic value from its disclosure or use, meeting the requirements of section 688.002(4)(b). Under US Telecom's internal handling procedures, this information is not publicly disclosed or readily ascertainable by lawful means to unauthorized persons. US Telecom maintains this information in secrecy, since disclosure would otherwise impair US Telecom's ability to competitively offer services to Florida customers or to protect the company's network facilities. The Florida market for the provision of telecommunications services and equipment is very competitive. Public knowledge of the proprietary information can and does affect US Telecom's ability to bid for, contract with, and to otherwise provide services to its customers.

12. In the course of business, US Telecom does not disclose POP locations or PIU data. Indeed, no member of the public at large can lawfully obtain such information absent specific consent.

13. Within the US Telecom organization, company employees familiar with the subject information are not authorized to publicly or otherwise disclose this customer information, and any such disclosures occur only under narrowly circumscribed, carefully guarded, and limited conditions. US Telecom's internal administrative operating procedures further require the maintenance of such information in locked or otherwise secured areas.

14. In the Commission's Docket No. 890815-TL, information relative to IXC-specific PIUs has at all times been treated as confidential by the Commission Staff, the IXCs, and local exchange

companies participating in that proceeding. Finally, the Commission has in prior orders acted to protect information the public disclosure of which would be a threat to the security of the company's operations, which in this situation would include US Telecom's specific POP locations. See Order No. 21102 (April 24, 1989). Together, these facts and circumstances demonstrate that the requested material is sensitive, commercially valuable information, the disclosure of which would provide a threat to the security of the company's network or a competitive advantage not otherwise available in the marketplace. As a matter of law and fact, such public disclosure in these circumstances would harm US Telecom's substantial interests, and the information clearly constitutes trade secrets meriting exclusion from the public record under Florida Statutes section 364.183(3)(a).

### III. Information Relating to Competitive Interests

15. Florida Statutes section 364.183(3)(e) authorizes confidential treatment of "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information." Disclosure of US Telecom's POP locations and PIU factors would impair US Telecom's ability to compete. The confidential information thus meets the criteria for protection under the statute. As described more fully in paragraphs 8, 9, 11, and 14, this information would be of value to US Telecom's competitors, and release of this information would seriously impair US Telecom's ability to negotiate facilities arrangements and compete in Florida.

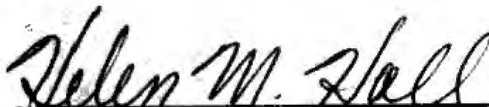


WHEREFORE, US Telecom, Inc. d/b/a Sprint Gateways respectfully requests that POP addresses and PIUs by POP provided pursuant to the Commission's annual report requirement (and as highlighted on the enclosed proprietary Report) be declared proprietary and confidential business information pursuant to Florida Statutes section 364.183(3)(a) and/or 364.183(3)(e), pursuant to the terms and conditions set forth in the body of this Petition.

Respectfully submitted,

US Telecom, Inc.

By:



Craig Dingwall, Esquire  
Helen Hall, Esquire  
2002 Edmund Halley Drive  
Reston, Virginia 22091  
(703) 264-4968

Its Attorneys

Dated: January 30, 1991