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March 20, 1991

RECEIVED & FILED

1CF
FPSC-BUREAU OF RECORDS

Mr. Steve C. Tribble
Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32301

Re: Docket No. 910060-TP -- MCI Response to
Staff Data Request dated February 19, 1991 --
Request for Confidential Classification

Dear Mr. Tribble:

Enclosed in the attached sealed envelope is one copy of the two page confidential response of MCI Telecommunications Corporation ("MCI") to the Staff's February 19, 1991 data request in the above docket. The confidential portion of the information has been highlighted on that copy. Also attached are two edited copies of the response from which the confidential material has been eliminated.

Pursuant to Section 364.183(1), Florida Statutes (Supp. 1990) and Rule 25-22.006, Florida Administrative Code, MCI requests that the Commission grant confidential classification to MCI's response to this data request.

I. Identification of Confidential Information

Pursuant to Rule 25-22.006(4), the following is an identification the material for which specified confidential classification is being sought:

DOCUMENT NUMBER-DATE

02802 MAR 20 1991

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The names and addresses of MCI's 900/976 information providers/customers. This information appears at lines 23 through 50 of page 1 and lines 1 through 50 of page 2 of MCI's response to the data request.

II. Justification for Confidential Classification

In accordance with Section 350.121, Florida Statutes (1989) and Section 364.183, Florida Statutes (Supp. 1990), and Rule 25-22.006, Florida Administrative Code, the material requested by the Staff should be classified as confidential material that is exempt from Section 119.07(1), Florida Statutes.

This material consists of the names and addresses of MCI's customers for a competitive service offering. As such, this information is "proprietary confidential business information" of MCI within the meaning of Section 364.183(3), Florida Statutes (Supp. 1990). In particular, this information constitutes "trade secrets" of MCI under Section 364.183(3)(a) and "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information [MCI]" under Section 364.183(3)(e).

This compilation of customer information is owned or controlled by MCI within the meaning of Section 364.183(3); is intended to be and is treated by MCI as confidential information; and has not been disclosed to the public in a compiled form.

The public disclosure of the names and addresses of MCI's 900/976 customers in this compiled form would provide MCI's competitors with valuable market data which could be used to MCI's competitive detriment. Customer lists are jealously guarded in competitive markets as trade secrets. If such a customer list became available to competitors of MCI, it could be used by such competitors for targeted sales and marketing efforts designed to lure those customers away from MCI. Moreover, to the extent that an analysis of the names and addresses of MCI's customers may reveal MCI's relative success in penetrating various portions of the 900/976 market, it could enable a competitor to derive valuable market information regarding the success of MCI's marketing and sales strategies.

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The foregoing examples of the way that the proprietary customer list could be used by a competitor is illustrative and not exhaustive. In a market with multiple providers of a competitive service, a compiled customer list can be used by other providers in a variety of ways to attempt to market the competitor's services and to frame marketplace responses to the disclosing company's revealed strengths or weaknesses.

While a retail customer of MCI (or a competitor of MCI) may be able to identify one or more of the entities shown on the customer list by a review of MCI or LEC billing statements, it would be costly and time-consuming, and perhaps impossible, to compile a complete customer list through such secondary means. The incidental disclosure of this information on an uncompiled basis therefore does not lessen the need for protection of the compiled list.

MCI understands that the Staff intends to use this information to contact specific 900/976 customers to solicit data for preparation of an economic impact statement. So long as the Staff is requesting such information from the 900/976 customers of all IXCs from whom it has obtained customer list information, MCI does not object to such use of the information since it would not result in public disclosure of MCI-specific customer data. Nevertheless, for the reasons set forth above, such limited use of the information does not require or justify placing the compiled list in the public record.

III. Duration of Confidentiality

Because of the dynamic nature of competition in the state of Florida, MCI is unable to provide a date by which the material contained in the responses to this data request would no longer be proprietary and confidential business information. MCI therefore requests that the information be held confidential for the full 18 month period permitted by Section 364.183(4), with the right for MCI to renew the request at the end of that period if the information has not been returned to MCI prior to that date.

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IV. Disposition of Materials

MCI requests that the attached information be returned to it after the Staff's use of that information is complete.

V. Conclusion

Based upon the above, the material provided by MCI in the response to the Staff's February 21, 1991 data request to MCI should be classified as confidential material and exempt from public disclosure.

Very truly yours,



Richard D. Melson

Attorney for MCI
Telecommunications Corporation

RDM/cm
Enclosures

cc: Ann Hinson Shelfer
Parties of Record
(w/o confidential enclosure)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent by U.S. Mail to the following this 20th day of March, 1991.

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Attorney

MEMORANDUM

3/20/91

TO: xxx DIVISION OF APPEALS (OPR)
____ DIVISION OF AUDITING AND FINANCIAL ANALYSIS
____ DIVISION OF COMMUNICATIONS
____ DIVISION OF ELECTRIC AND GAS
____ DIVISION OF RESEARCH
____ DIVISION OF WATER AND SEWER
____ DIVISION OF LEGAL SERVICES

FROM: DIVISION OF RECORDS AND REPORTING (FLYNN)

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCUMENT NO.: 2803-91

DESCRIPTION: Response to Staff's 2/19/91 Data Request

SOURCE: MCI Telecommunications Corporation

DOCKET NO.: 910060-TP

The above material was received with a request for confidentiality (attached). Please prepare a recommendation for the attorney assigned to the case by completing the section below and forwarding a copy of this memorandum, together with a brief memorandum supporting your recommendation, to the attorney. You must prepare and forward a recommendation within 10 working days from the date of this memorandum. Copies of your recommendation should also be provided to the Division of Records and Reporting and to the Division of Appeals.

Please read each of the following and check if applicable.

____ The document(s) is (are), in fact, what the utility asserts it (them) to be.

____ The utility has provided enough details to perform a reasoned analysis of its request.