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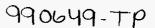
Via Hand Delivery

May 11, 2000

Ms. Blanca S. Bayó, Director Division of Records and Reporting Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850 Charles J. Rehwinkel Senior Attorney Law/External Affairs

Post Office Box 2214 Tallahassee, FL 32316-2214 Mailstop FLTLHO0107 Voice 850 847 0244 Fax 850 878 0777 charles.j.rehwinkel@mail.sprint.com

ORIGINAL



Re: Sprint's Request for Confidential Classification Pursuant to Section 364.183(1), Florida Statutes.

Dear Ms. Bayó:

Enclosed with this letter are the original and 7 copies of Sprint's Request for Confidential Classification Pursuant to Section 364.183(1), Florida Statutes. Please indicate filing by stamping a copy of this letter and returning same to the undersigned.

Sincerely,

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Charles J. Rehwinkel

Enclosure

RECEIVED 8 OF RECORDS

This confidentiality request was filed by or for a "telco" for DN <u>05893-00</u> 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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## URIGINAL

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In Re: Investigation into Pricing of unbundled network Elements Docket No. 990649-TP

Filed: May 11, 2000

## Sprint's Request for Confidential Classification Pursuant to Section 364.183(1), Florida Statutes

Sprint-Florida, Incorporated (Sprint) hereby requests that the Florida Public Service Commission ("Commission") classify certain documents and/or records identified herein as confidential, exempt from public disclosure under Chapter 119, Florida Statutes and issue any appropriate protective order reflecting such a decision. The information that is the subject of this request is contained in certain documents contained in Sprint's response to Staff' Third Request for Production of Documents. IN support, Sprint states as follows:

1. The following documents are the subject of this request:

## 1. 12 page excerpt from Sprint's response to Staff's Third Request for Production of Documents

2. One unredacted copy of the documents has been submitted to the Division of Records and Reporting under seal this same day.

3. The confidential information is identified by yellow highlighting. The information for which the Request is submitted is sensitive financial information (or information from which such information can be derived), trade secret and other highly proprietary contractual, competitive or valuable information and thus meets the definition of confidential DOCUMENT NUMBER-DATE

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proprietary business information pursuant to Section 364.183(3)(a)(d) & (e), Florida Statutes. Section 364.183(3), provides:

(3) 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 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. The term includes, but is not limited to:

(a) Trade secrets.

(b) Internal auditing controls and reports of internal auditors.

(c) Security measures, systems, or procedures.

(d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company or its affiliates to contract for goods or services on favorable terms.

(e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.

(f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

4. Furthermore, Section 688.002(4), Florida Statutes is instructive on what constitutes a trade secret and provides that:

(4) "Trade secret" means information, 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.

5. The subject information has not been publicly released and Sprint is required by law to keep certain of the information confidential.

6. The commission has found similar financial information to be Confidential. See, Order No. PSC-98-0054-CFO-TP, Docket No. Issued: January 8, 1998: *In re: Petition for expanded interconnection for alternate access vendors within local exchange company central offices by INTERMEDIA COMMUNICATIONS OF FLORIDA, Inc.*, 921074-TP.

WHEREFORE, based on the foregoing, Sprint respectfully requests that the Commission grant the request for Confidential Classification, exempt the information from disclosure under Chapter 119, Florida Statutes and issue any appropriate protective order, protecting the information from disclosure while it is maintained at the Commission.

**RESPECTFULLY SUBMITTED** this 11<sup>th</sup> day of May 2000.

Charles J. Rehwinkel Sprint Post Office Box 2214 MS: FLTLHO0107 Tallahassee, Florida 32316 850/847-0244

CERTIFICATE OF SERVICE DOCKET NO. 990649-TP

I HEREBY CERTIFY that a true and correct copy of the Request for Confidentiality Classification was served by U.S. Mail on the 11<sup>th</sup> day of May, 2000 to the following:

Angela Green, General Counsel Florida Public Telecommunications Association 125 S. Gadsden Street, #200 Tallahassee, Florida 32301-1525

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BellSouth Telecommunications, Inc. Ms. Nancy B. White c/o Nancy H. Sims 150 South Monroe Street, Suite 400 Tallahassee, Florida 32301-1556 Messer Law Firm (2) Norman Horton, Jr. Post Office Box 1876 Tallahassee, Florida 32302

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Time Warner AxS of Florida, L.P. Carolyn Marek 233 Bramerton Court Franklin, TN 37069

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Charles J. Rehwinkel