

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into
Pricing of Unbundled Network
Elements

DOCKET NO. 990649B-TP
FILED: March 1, 2002

**SPRINT'S REQUEST FOR CONFIDENTIAL CLASSIFICATION
PURSUANT TO SECTION 364.183(1), FLORIDA STATUTES**

Sprint-Florida, Incorporated ("Sprint"), pursuant to Rule 25-22.006(4)(b), Florida Administrative Code, 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 a CD ROM which has been filed, under seal, with the Division of Records and Reporting in response to Staff's Fourth Request for Production of Documents.

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

- a. POD 28 - Document contains wirecenter specific data on Sprint-Florida's outside plant and capacity of that plant.

DOCUMENT NUMBER-DATE

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- b. POD 30 - Document contains wirecenter specific data on Sprint-Florida's outside plant and capacity of that plant.
- c. POD 37 - Document provides marketing data on quantities of products sold and Sprint-Florida's billing codes.
- d. POD 40 - Document provides Sprint-Florida's wire center specific demand and marketing data.
- e. POD 43 - Document provides Sprint-Florida's wire center specific demand and marketing data.

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

3. The information for which the Request is submitted is Sprint-Florida confidential proprietary business information regarding Sprint-Florida's network, costing and pricing information, marketing information and vendor-specific pricing and provisioning information. Public disclosure of this information would seriously impair Sprint's ability to compete in the marketplace and to contract for goods and/or services on favorable terms, and thus meets the definition of confidential proprietary business information pursuant to Section 364.183(a)(d) and (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 justification for confidential treatment is set forth in Attachment A.

6. The subject information has not been publicly released by Sprint. Furthermore, release of the information would cause harm to the company's business operations.

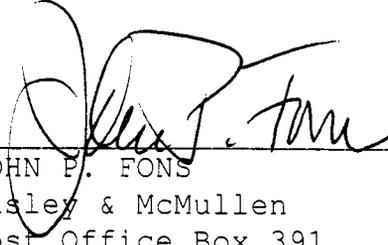
7. The Commission has found similar information to be confidential. See, Order No. PSC-01-2504-CFO-TP, issued December 21, 2001; *In re: Investigation into pricing of unbundled network elements*. Docket No. 990649-TP.

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 1st day of March, 2002.

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and

A handwritten signature in black ink, appearing to read "John P. Fons", is written over a horizontal line. The signature is stylized and cursive.

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ATTORNEYS FOR SPRINT-FLORIDA, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by e-mail transmission, U. S. Mail, or hand delivery (*) this 1st day of March, 2002, to the following:

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A handwritten signature in black ink, appearing to read "Andrew M. Klein", is written over a horizontal line. The signature is stylized and cursive.

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ATTACHMENT A

POD Treated as Proprietary	Justification for Confidential Treatment
28	Document contains wirecenter specific data on Sprint-Florida's outside plant and capacity of that plant. Data would provide competitors knowledge of capacity in Sprint-Florida's network. Allowing competitors access to the data would permit them to develop marketing and pricing plans that would unfairly advantage their competitive activities without the competitor incurring the time and expense that a competitor would otherwise have to expend.
30	Document contains wirecenter specific data on Sprint-Florida's outside plant and capacity of that plant. Data provides competitors knowledge of the capacity in Sprint-Florida's network. Allowing competitors access to the data would permit them to develop marketing and pricing plans that would unfairly advantage their competitive activities without the competitor incurring the time and expense that a competitor would otherwise have to expend.
37	Document provides marketing data on quantities of products sold and Sprint-Florida's billing codes. Allowing competitors access to the data would unfairly advantage competitors by allowing them to develop marketing plans without incurring the time and expense that a competitor would otherwise have to expend.
40	Document provides Sprint-Florida's wire center specific demand and marketing data. Allowing competitors access to the data would unfairly advantage competitors by allowing them to develop marketing plans without incurring the time and expense that a competitor would otherwise have to expend.
43	Document contains Sprint-Florida demand data, vendor prices of materials, and contractor labor costs. Allowing competitors access to this data would compromise Sprint-Florida's relationship with the vendors, would adversely impact Sprint-Florida's ability to contract on favorable terms and would unfairly advantage competitors by allowing them to develop marketing and pricing plans without incurring the time and expense that a competitor would otherwise have to expend.