

Susan S. Masterton Attorney

#### Law/External Affairs

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August 23, 2002

Ms. Blanca S. Bayó, Director Division of the Commission Clerk And Administrative Services Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850

Re: Docket No. 020099-TP Sprint-Florida, Incorporated's Request For Confidential Classification

Dear Ms. Bayó:

Enclosed for filing is the original and fifteen (15) copies of Sprint's Request for Confidential Classification in Docket No. 020099-TP.

Copies of this have been served pursuant to the attached Certificate of Service.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

Thank you for your assistance in this matter.

Sincerely,

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Susan S. Masterton

Enclosure

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FPSC-COMMISSION CLERK

#### **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

Complaint of ALEC, Inc. for enforcement)of interconnection agreement)with Sprint-Florida, Incorporated)and request for relief.)

Docket No. 020099-TP

Dated: August 23, 2002

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

Sprint-Florida, Incorporated ("Sprint") hereby request 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 cost studies filed in this Docket.

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

Hearing Exhibit No. 4 - Portions of cost studies submitted in the Sprint/MCI arbitration (Docket #961230-TP) relating to local switching, transport, annual charge factors and other direct and common costs. Please see Attachment A for line by line identification of confidential portions of documents.

2. One unredacted copy of the documents was submitted to the Division of Records and Reporting under seal at hearing in this docket on August 7, 2002. Two redacted copies accompany this request.

3. The confidential information is "blocked out" through deletion. The information for which the Request is submitted is vendor-specific pricing information (or information from which such information can be derived), trade secret or other highly proprietary contractual, competitive or valuable information and thus meets the definition of confidential 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 contract to keep certain of the information confidential. Furthermore, release of the information could impair the efforts of the company or its affiliates to contract for goods or services on favorable terms, thus causing harm to the company's business operations, and could impair the competitive business of the company.

6. The commission has found similar information to be confidential. See, Order No. PSC-97-1405-CFO-TP, issued November 10, 1997, *In re: Petition by MCI Telecommunications Corporation for arbitration with United Telephone Company of Florida and Central Telephone Company of Florida concerning interconnection rates, terms and conditions, pursuant to the Federal Telecommunications Act of 1996, Docket No. 96-1230-TP and Order No. PSC-02-0451-CFO-TP, issued April 3, 2002, <i>In re: Investigation into pricing of unbundled network elements,* Docket No. 990649B-TP. Pursuant to Rule 25-22.006(4)(h)3. Sprint's cites to these orders as justification for the confidential treatment of the material specified in Attachment A.

Based on the foregoing, Sprint respectfully requests that the Commission grant Sprint's 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 23rd day of August 2002.

Sharps. h. T. F Susan S. Masterton

Susan S. Masterton Post Office Box 2214 MS: FLTLHO0107 Tallahassee, Florida 32316 850/599-1560

ATTORNEY FOR SPRINT

Study	Page Number	Line Number	Column
Local	124	1-13, 16-18	B-D
Switching/Features			
Local	125	2-13	B-O
Switching/Features			
Local	126	2-9,11,14	B-L
Switching/Features			
Local	127	3,4,7,8,9,17,18	B-E
Switching/Features			-
Local	127	10,19	B,C
Switching/Features			
Local	127	12-14	B
Switching/Features			
Local	127	21,23	С
Switching/Features			
Transport	73	5-39	B-G,I
Transport	76	5-24	C-I
Transport	77	2-6	C-I
Transport	80	3-34	C-P
Transport	81	2-12	C-P
Transport	82	2-6	C-M
Transport	83	3-8	C-L
Transport	83	12-17	C-L
Annual Charge	176		All Maintenance Factors
Factors			
Annual Charge	177		All Maintenance Factors
Factors			
Annual Charge	178	Debt Cost, Debt	Second Column
Factors		Percent, Equity Cost,	
		Equity Percent, Capital	
		Cost, Ad Valorem Tax	
		Factor	
Annual Charge	178		Maintenance Column
Factors			
Annual Charge	179-240	5-12, 23-25	
Factors			
Oth, Direct & Com.	246		Columns A and C
Other Direct &	247,249,250,251,252	Entire Page	
Common			
Other Direct &	248	Entire Page except "%	
Common		Distribution" & "Carry	
		Factors" sections	
Other Direct &	253	Entire Page except	
Common		"Carry Factors" &	
		"Building Usage	-
		Analysis" sections	
Other Direct &	254		All Access Lines and 1997
Common	· · · · · · · · · · · · · · · · · · ·		Y/E balances
Other Direct &	255	All "Investment" &	
Common	l	"Expense" Lines	

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# The following Sprint-Florida, Inc. cost study pages of the Sprint/MCI Arbitration-Cost Proceeding were redacted:

### CERTIFICATE OF SERVICE DOCKET NO. 020099-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. Mail\* Overnight Mail\*\*or Hand Delivery\*\*\* this 23rd day of August, 2002 to the following:

Volaris Telecom, Inc.\*\* Ms. Judy B. Tinsley c/o DURO Communications, Inc. 3640 Valley Hill Road, N.W. Kennesaw, GA 30152-3238

Cole, Raywid & Braverman, L.L.P\*\*. John C. Dodge/David N. Tobenkin 1919 Pennsylvania Avenue, N.W., #200 Washington, DC 20006

Moyle Law Firm (Tall) \* Jon Moyle/Cathy Sellers 118 North Gadsden Street Tallahassee, Florida 32301

Linda Dodson, Esq.\*\*\* Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0870

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Susan S. Masterton