

MEMORANDUM

January 7, 1998

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FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (B. KEATING) *BK*

RE: DOCKET NO. 921074-TP - PETITION OF INTERMEDIA COMMUNICATIONS OF FLORIDA, INC. FOR EXPANDED INTERCONNECTION FOR AAVS WITHIN LEC CENTRAL OFFICES

PSC - 98 - 0054 - CFO-TP

Attached is an ORDER GRANTING GTE FLORIDA INCORPORATED'S REQUESTS FOR CONFIDENTIAL TREATMENT AND MOTIONS FOR PROTECTIVE ORDERS OF DOCUMENT NOS. 08387-94 AND 09356-94 to be issued in the above-referenced docket. (Number of pages in Order - 12)

BK/anr  
Attachment  
cc: Division of Communications  
I: 921074g1.bk

*based - 24/2.  
mailed -*

*See 1*

**MUST GO TODAY**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for expanded interconnection for alternate access vendors within local exchange company central offices by INTERMEDIA COMMUNICATIONS OF FLORIDA, INC.

DOCKET NO. 921074-TP  
ORDER NO. PSC-98-0054-CFO-TP  
ISSUED: January 8, 1998

ORDER GRANTING GTE FLORIDA INCORPORATED'S REQUESTS FOR  
CONFIDENTIAL TREATMENT AND MOTIONS FOR PROTECTIVE ORDER OF  
DOCUMENT NOS. 08387-94 AND 09356-94

On October 16, 1992, Intermedia Communications of Florida, Inc. (Intermedia or ICI) filed a petition seeking authorization for Alternative Access Vendors (AAVs) to provide certain services through collocation arrangements in local exchange company (LEC) central offices. In order to address Intermedia's petition, broader questions regarding private line and special access expanded interconnection had to be resolved. In Phase I of this proceeding we addressed expanded interconnection for special access and private line. Phase II was devoted to expanded interconnection for switched access.

On August 17, 1994, GTE Florida Incorporated (GTEFL) filed a request for confidential classification of certain portions of its response to Staff's Second Request for Production of Documents (PODs) identified in Document No. 08387-94. On September 12, 1994, GTEFL filed a request for confidential classification of certain portions of its responses to Staff's First Set of Interrogatories contained in Document No. 09356-94. Both requests for confidential treatment are addressed herein.

Florida law presumes that documents submitted to governmental agencies shall be public records. The only exceptions to this presumption are the specific statutory exemptions provided in the law and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. This presumption is based on the concept that government should operate in the "sunshine." Rule 25-22.006(4)(c), Florida Administrative Code, provides that it is the Company's burden to demonstrate that the documents fall into one of the statutory examples set out in Section 364.183, Florida Statutes, or to demonstrate that the information is proprietary confidential information, the disclosure of which will cause the Company or its ratepayers harm.

DOCUMENT NUMBER-DATE

00402 JAN-88

FPSC-RECORDS/REPORTING

Specifically, GTEFL seeks confidential treatment of information in Document No. 08387-94 as set forth in the following table:

PAGE	COLUMN	LINE	REASON
1	B-F	1	Access revenues at risk
1	C	3	Florida-specific factor for calculation of access revenue loss estimate
1	C	4	Revision of 1994 revenue loss estimate
2	B-F	1	1993 Revenues and expenditures associated with collocation; estimated number of collocators
2	B-F	2	1994 revenues and expenditures associated with collocation; estimated number of collocators
2	A	3	Number of requests for physical collocation
2	B-D	4	NRC revenues, expenses, and capital

PAGE	COLUMN	LINE	REASON
2	A-B	5	Number of MRCs and revenues
2	A-B	6	Number of MRCs and revenues
2	B-D	7	Revenues, expense, and capital totals for physical collocation
2	A	8	Number of collocation requests
2	B-D	9	NRC revenues, expenses, and capital
2	A-B	10	Number of MRCs and associated revenues
2	A-B	11	Number of MRCs and associated revenues
2	B-D	12	Revenues, expense, and capital totals for additional physical collocation
2	A	13	Number of virtual collocation requests
2	B-D	14	NRC revenues, expenses, and capital
2	A-B	15	Number of MRCs and associated revenues

PAGE	COLUMN	LINE	REASON
2	A-B	16	Number of MRCs and associated revenues
2	B-D	17	Total revenues, expenses, and capital for virtual collocation requests
2	B-F	18	Total revenues, expenses, and capital for all collocation requests, along with number of physical and virtual collocators
15	A	8-13	Areas investigated in GTEFL's competitive access assessment
15	B	chart	Access growth estimates, planned price reductions, market loss, and net loss (graphic representation)

PAGE	COLUMN	LINE	REASON
15	B	17-20	Access growth estimates, planned price reductions, market loss, and net revenue loss
16	C	1-2	Discussion of impact of competition on GTEFL
16	A	3-5, 7-8, and 10-14	Discussion of impact of competition on GTEFL
16	C	chart	Investment and expense comparison
16	C	16-20	Discussion of competitive effects on GTEFL
17	A	1-2	CAP entry conditions
17	A	chart	CAP entry conditions (graphic representation)
17	C	1-14	Discussion of CAP entry and GTEFL's response
18	A-B	1-5	Level of CAP entry
18	A	chart	Access market segmentation

PAGE	COLUMN	LINE	REASON
18	B	chart	CAP entry by market segment
20	A	first graph	Means of CAP entry
20	A	10	At-risk transport dollars
20	A	second graph	Means of CAP entry
20	A	18-19	At-risk switched access dollars
20	B	3-19	Likely regulatory actions and GTEFL's responses
21	A-B	1-7	Expected behavior of competitive access market
21	A-B	chart, 8-24	Access revenue exposure, market loss, and rationale for predictions
29	A	1-25	Expected CAP technical configurations
29	B	2-25	Competitive exposure in various segments
29	C	2-25	GTEFL's response to competition

PAGE	COLUMN	LINE	REASON
30	A	1-32	Expected CAP technical configurations
30	B	1-32	Competitive exposure in various segments
30	C	1-26	GTEFL's response to competition
32	A	1	Purpose of particular evaluation
32	A	chart	Graphic representation of GTEFL's response to competition
32	B	2-10	Discussion of GTEFL's response to competition
40	A-C	chart	Investment and expense exposure
40		8-13	Discussion of GTEFL's response to competition

GTEFL states that the specified information in Document No. 08387-94 contains GTEFL's estimation of the dollar amount of special and switched access revenues at risk for 1994 through 1998. It also contains an estimation for Florida-specific losses. In addition, information regarding the GTEFL's 1993 and 1994 estimated revenues and expenditures for both physical and virtual collocation, as well as a detailed outlook for 1994, are found within the document. Finally, the document contains information regarding specific areas where GTEFL is competitively vulnerable

and GTEFL's planned response strategy to competitive threats in those areas, including projected access growth, planned price reductions, market loss estimates, a comparison of cost levels, information on the threat of competition, a method of assessing the point at which providers will enter a particular market, GTEFL's beliefs about competitor's advocacy strategies in regulatory proceedings, and GTEFL's investment and expense exposure.

GTEFL argues that disclosure of the revenue information will allow competitors to design market strategies based on GTEFL's own assessment of its vulnerable areas and will harm GTEFL's ability to compete. GTEFL also argues that disclosure of the collocation information and the specific information on GTEFL's strategies and projections for competition in the access and transport markets will allow competitors to unfairly design competitive strategies based on GTEFL's assessment of the market.

Pertaining to Document No. 09356-94, GTEFL also seeks confidential treatment of the specific information set forth in the following table:

PAGE	LINE	COLUMN	REASON
1	2	B	D4 channel bank cost
1	3	B	D4 channel bank installation cost
1	4	B	D4 channel unit cost
1	6	B	M13/D31-RC 28D shelf and common equipment cost
2	1	B	M13D31-RC 28D installation cost

PAGE	LINE	COLUMN	REASON
2	2	B-C	150 Mb/s e/w 3 DS-3 system cost, equipment and installation
2	3	B-C	565 Mb/s e/w 12 DS-3 system cost, equipment and installation
2	4	B-C	1.12 Gb/s e/w 24 DS-3 system cost equipment and installation

GTEFL asserts that the information contained in Document No. 09356-94 covers information in GTEFL's response to Interrogatory No. 8 of Staff's First Set of Interrogatories. GTEFL asserts that this document contains information regarding material and labor costs for its multiplexing and fiber optic terminal equipment which GTEFL considers highly confidential because it would give competitors a decided advantage by allowing them to calculate the lowest cost at which GTEFL could provide services using that equipment. GTEFL also argues this information is closely guarded by the vendors themselves. The disclosure of this information would make vendors reluctant to deal with GTEFL and would ultimately result in harm to the customers. Furthermore, GTEFL notes that the Commission regularly grants confidential treatment of cost data.

Upon review, the material is found to be proprietary business information in accordance with Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. Disclosure of this information would impair GTEFL's ability to compete. As such, it shall be granted confidential treatment and shall not be subject to discovery in this docket.

Based on the foregoing, it is therefore

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DOCKET NO. 921074-TP  
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ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that GTE Florida Incorporated's August 17, 1994, Request for Confidential Classification and Motion for Protective Order of Document No. 08387-94 is hereby granted to the extent set forth in the body of this Order. It is further

ORDERED that GTE Florida Incorporated's September 12, 1994, Request for confidential Classification and Motion for Protective Order of Document No. 09356-94 is granted to the extent set forth in the body of this Order. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the material specified herein shall expire eighteen (18) months from the date of the issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 364.183, Florida Statutes. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 8th day of January, 1998.

  
J. TERRY DEASON, Commissioner and  
Prehearing Officer

( S E A L )

BK

ORDER NO. PSC-98-0054-CFO-TP  
DOCKET NO. 921074-TP  
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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.