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August 11, 1999

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

RECEIVED-PSC  
AUG 11 PM 4:44  
RECORDS AND REPORTING

Re: Docket No. 990649-TP Sprint's Request for  
Confidential Classification Pursuant To Section  
364.183(1) Florida Statues

Dear Ms. Bayo:

Enclosed for filing is the original and seven (7) copies of Sprint's Request  
for Confidential Classification Pursuant To Section 364.183(1)  
Florida Statues.

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,

Charles J. Rehwinkel

CJR/th

Enclosures

DOCUMENT NUMBER-DATE

09581 AUG 11 99

RECORDS AND REPORTING

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into pricing of  
unbundled network elements.

Filed: August 11, 1999

Docket No. 990649-TP

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

Sprint-Florida, Incorporated and Sprint Communications Company Limited Partnership (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 the certain Exhibits to the Prefiled Direct Testimony of Kent Dickerson submitted in this Docket.

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

1. Exhibit KWD-6 (excerpt).
2. Exhibit KWD-7 (excerpt).
3. Exhibit KWD-8 (excerpt).
4. Exhibit KWD-9 (excerpt).

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

DOCUMENT NUMBER-DATE

09581 AUG 11 89

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The confidential information is identified by yellow highlighting and is found in the table on each Exhibit (KWD-6, 7, 8 and 9), column "G". The information for which the Request is submitted is vendor-specific pricing information (or information from which such information can be derived) 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.

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.

The subject information has not been publicly released and Sprint is required by contract to keep 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.

The commission has found similar information to be confidential. See, Order No. PSC-98-0935-CFO-TP, Issued July 10, 1998; *In re: Petition by Metropolitan Fiber Systems of Florida, Inc. for arbitration with BellSouth Telecommunications, Inc. concerning interconnection rates, terms, and conditions, pursuant to the Federal Telecommunications Act of 1996.* Docket No. 960757-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 11<sup>th</sup> day of August 1999.



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