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COMMISSION
CLERK

January 10, 2002

CONFIDENTIAL
INFORMATION ENCLOSED

BY HAND DELIVERY

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

Re: Docket No. [REDACTED]

Dear Ms. Bayo:

Enclosed for filing, pursuant to Rule 25-22.006(5), Florida Administrative Code, is the original unredacted version, with the specific confidential information highlighted, and two (2) redacted versions of Sprint's Responses to Staff's First Request for Production of Documents, Request No. 17.

Also enclosed is the original and fifteen (15) copies of Sprint's Request for Confidential Classification of certain information contained in the documents being furnished by Sprint in Response to Staff's Document Request No. 17.

Please keep the document(s) confidential pending receipt and action on the Company's Request for Confidential Classification relating to these documents.

This confidentiality request was filed by or for a "telco" for DN 00375-02. 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.

DOCUMENT NUMBER-DATE

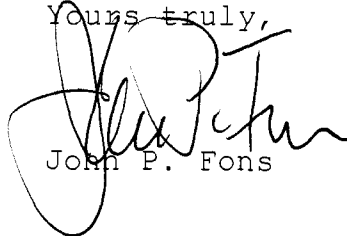
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CLERK

Blanca S. Bayo
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Page 2

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

Yours truly,

A handwritten signature in black ink, appearing to read "John P. Fons", is written over the typed name. The signature is stylized with a large, looping initial "J".

John P. Fons

Enclosures

cc: Parties of Record (w/Request only)

000297

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into
Pricing of Unbundled Network
Elements

DOCKET NO. 990649B-TP
FILED: January 10, 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(5), 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 certain documents contained in Sprint's Responses to Staff's Second Request for Production of Documents, Request No. 17.

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

- a. Strategic Sourcing Master Designated Work for Construction Agreement between Sprint/United Management Company and The Fishel Company, Inc.
- b. Strategic Sourcing Master Designated Work for Construction Agreement between Sprint/United

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Management Company and Cornerstone of North-Florida, Inc.

- c. Strategic Sourcing Master Designated Work for Construction Agreement between Sprint/United Management Company and MASTEC North America, Inc.

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 vendor-specific pricing and provisioning (or information from which such information can be derived), negotiated by Sprint. Public disclosure of this information would seriously impair Sprint's ability 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 subject information has not been publicly released by Sprint. Furthermore, release of the information would impair

the efforts of the company to contract for goods and/or services on favorable terms, thus causing harm to the company's business operations.

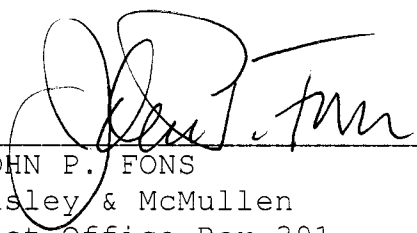
6. The Commission has found similar information to be confidential. See, Order No. PSC-01-2504-CFO-TP, issued December 21, 2001; *In re: Investigation into pricing of unbundled network elements*. Docket No. 990649-TP.

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 10th day of January, 2002.

SUSAN MASTERTON
Sprint-Florida, Inc.
P. O. Box 2214
Tallahassee, Florida 32316
(850) 847-0244

and



JOHN P. FONS
Ausley & McMullen
Post Office Box 391
Tallahassee, Florida 32302
(850) 224-9115

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 10th day of January 2002, to the following:

Beth Keating *
Jason Fudge
Division of Legal Services
Florida Public Service Comm.
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Nancy B. White
c/o Nancy Sims
BellSouth Telecommunications
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Anne Marsh *
Florida Public Service Comm.
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Tallahassee, FL 32399-0850

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Messer, Caparello & Self
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McWhirter, Reeves, et al.
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Tampa, FL 33601-0110

Charles Beck
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street., Room 812
Tallahassee, FL 32399-1400

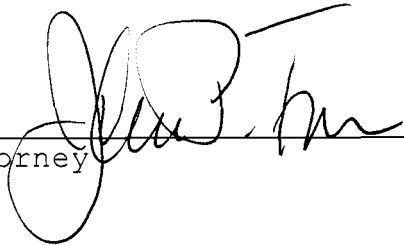
Broadslate Networks of Fla., Inc.
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Charlottesville, VA 22911

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Tallahassee, FL 32303-4131



Attorney

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STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
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MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY



DIVISION OF COMMISSION CLERK AND
ADMINISTRATIVE SERVICES
BLANCA S. BAYO
DIRECTOR
(850) 413-6770

Public Service Commission

ACKNOWLEDGMENT

DATE: 1-10-02
TO: John H. Fens
FROM: Ruth L. McBride, Division of the Commission Clerk and
Administrative Services
RE: Acknowledgment of Receipt of Confidential Filing

00375-02

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No.

990649B-TP or (if filed in an undocketed matter) concerning Request
for Confidential Classification of certain information
filed on behalf of Print. The

document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6770.

PSC/CCA019-C (Rev 01/02)

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