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May 1, 2000

RECORDS AND  
REPORTING

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

Re: Docket No. 990649-TP

Enclosed for filing are the original and 15 copies of Sprint's Non-Confidential version of the Cost Studies for Non-Recurring charges, Dark Fiber and High Capacity Loops. One copy of the Confidential version of the Cost Studies for Dark Fiber and High Capacity Loops is being submitted under separate cover subject to a request for Confidential Classification.

Service of the cost studies in CD-ROM format is being made via Overnight Delivery pursuant to the attached Certificate of Service. Confidential (unredacted) versions of the filing are being made to parties who have executed a non-disclosure Agreement with Sprint. Redacted versions of the studies are being served on all other parties. Paper copies are being provided upon request.

Also enclosed is Sprint's Request for Confidential Classification of certain information contained in the Cost Studies, as well as the CD-ROM.

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

Sincerely,

Susan S. Masterton

SSM/th

Enclosure

This confidentiality request was filed by or for a "telco" for DN 05398-00 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

05397 MAY-18

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation into )  
Pricing of unbundled network )  
Elements )

Docket No. 990649-TP

Filed: May 1, 2000

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 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:

1. 1 page Excerpt from Dark Fiber Cost Studies, Additional Dark Fiber Non-Recurring Charges
2. 4 pages High Capacity Loops Supporting Workpapers Schedule A.
3. 4 pages High Capacity Workpaper Schedule B
4. 8 pages Work Paper 16
5. 1 page Dark Fiber Workpaper 18.
6. 8 pages Dark Fiber Workpaper 20.
7. CD Rom containing the proprietary information in Items 1-5 above.

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 information (or information from which such information can be derived),

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trade secret and 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.

6. 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 1<sup>st</sup> day of May, 2000.



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**CERTIFICATE OF SERVICE  
DOCKET NO. 990649-TP**

**I HEREBY CERTIFY that a true and correct copy of the Request for Confidentiality Classification was served by U.S. Mail on the 1<sup>st</sup> day of May, 2000 to the following:**

**Angela Green, General Counsel  
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**BellSouth Telecommunications, Inc.  
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Six Concourse Parkway  
Suite 3200  
Atlanta, Georgia 30328

  
Susan S. Masterton

CERTIFICATE OF SERVICE  
DOCKET NO. 990649-TP

I HEREBY CERTIFY that true and correct copies of the Direct Testimonies and the Cost Studies were served overnight mail the 29<sup>th</sup> day of April, 2000 to the following:

Angela Green, General Counsel  
Florida Public  
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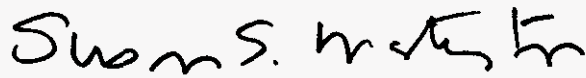
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