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09 APR 7 10:17
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March 26, 2009

RECEIVED-FPSC
09 APR - 7 AM 9:40
COMMISSION
CLERK

VIA UPS OVERNIGHT DELIVERY- MONDAY

Filing Clerk
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RE: Docket No. 080673-TX – *Request for Confidential Classification*

Dear Ms. Beard,

Enclosed please find the original Request for Confidential Classification and the original Commercial Wholesale Agreement which is filed under seal.

Very truly yours,



Mark Foster

ENC

COM _____
ECR _____
GCL _____
OPC _____
RCP _____
SSC _____
SGA _____
ADM _____
CLK _____

This confidentiality request was filed by or for a "telco" for DN 03046-09. 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

03045 APR - 7 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of New Talk, Inc. For
Designation as an Eligible Telecommunications
Carrier

Docket No. 080673
Dated: March 26, 2009

NEW TALK, INC.'S

REQUEST FOR CONFIDENTIAL CLASSIFICATION

New Talk, Inc., (“New Talk”), pursuant to Section 366.093, Florida Statutes (F.S., and Rule 25-22.006, Florida Administrative Code (F.A.C.), submits this Request for Confidential Classification for a contractual document requested by Commission Staff in its General Data Request dated December 10, 2008, comprised entirely of all information contained in New Talk’s “Commercial Wholesale Agreement” with AT&T. In support of this Request, New Talk states:

1. In the above mentioned commercial wholesale agreement, there is sensitive information that is “proprietary business information” under Section 366.093(3), Florida Statutes.

2. The following exhibits are included with this request:
 - a. Sealed Exhibit A is a “Commercial Wholesale Agreement” between New Talk and AT&T for which New Talk seeks confidential treatment. Sealed Exhibit A is being submitted separately in a sealed envelope labeled “CONFIDENTIAL.” New Talk seeks confidential treatment of this document in full. Since the entire document is deemed confidential, there are no

DOCUMENT NUMBER-DATE

03045 APR-7 8

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highlights provided and no edited copies are made available for public inspection. The entire document is intended to be and is treated by New Talk as private and has not been disclosed.


3. As indicated, the information for which New Talk requests confidential classification is “proprietary confidential business information” within the meaning of Section 366.093(3), F.S. Specifically, Question 3 of Commission Staff’s General Data Request (dated December 10, 2008) requests in part “any ... Commercial agreements New Talk, Inc. currently has in Florida with other telecommunications carriers....” New Talk has a Commercial Agreement with AT&T Florida (formerly BellSouth) which is the subject of a non-disclosure agreement between the parties. New Talk believes that it is contractually obligated to seek confidential treatment of this document which is not available to competitors and is considered proprietary to the parties thereto.

4. New Talk requests that the information identified in Exhibit A be classified as “proprietary confidential business information” within the meaning of Section 366.093(3), F.S., that the information remain confidential for a period of at least 18 months as provided in section 366.093(4), F.S., and that the information be returned as soon as it is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the foregoing reasons, New Talk respectfully requests that this Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 26th day of March, 2009.

Mark Foster
Attorney at Law
702 Rio Grande Street
Austin, TX 78701
(512) 708-8700
(512) 697-0058/fax

By: 


Texas Bar No. 07293850
mark@mfoosterlaw.com
Attorney for New Talk, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the above and foregoing document was served on the following individuals on this the 26th day of March, 2009.

Ms. Catherine Beard
Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Via email

A handwritten signature in cursive script, appearing to read "Mark Foster", written over a horizontal line.

Mark Foster

STATE OF FLORIDA

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP



OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

Public Service Commission

ACKNOWLEDGEMENT

DATE: April 7, 2009

TO: Mark Foster, Attorney At Law

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket Number 080673 or, if filed in an undocketed matter, concerning original commercial wholesale agreement, and filed on behalf of New Talk, Inc. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

DOCUMENT NUMBER - DATE
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