

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: 1991 Depreciation Study) DOCKET NO. 910725-TL
for UNITED TELEPHONE COMPANY) ORDER NO. PSC-92-0619-CFO-TL
OF FLORIDA) ISSUED: 07/07/92
_____)

ORDER GRANTING CONFIDENTIAL TREATMENT
TO REQUESTED MATERIAL IN DOCUMENT NO. 4175-92

On April 28, 1992, United Telephone Company of Florida (United or the Company) filed its Request for Confidential Classification (Request) of certain material contained in Hearing Exhibits 29, 31, 43 and 58. The Company asserts that, for all of the material at issue, it has previously filed a Request for a Temporary Protective Order or a Notice of Intent to Request Confidential Classification. Additionally, the Company contends that the material for which confidential classification is sought is treated by United as confidential and has not been disclosed absent an agreement to maintain its confidential status. No party to this proceeding has responded to United's Request.

The Company asserts that the material consists of detailed information on business and marketing plans and projections of United's parent, Sprint Corporation (formerly known as United Telecommunications, Inc.), and thus, should remain confidential through the entire course of the proceeding in this Docket, and thereafter. In support of its Request the Company notes that Section 364.183(3)(d) and (e), Florida Statutes (1991), describes the term "proprietary confidential business information" to include "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," and "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information."

The following descriptions and arguments are proffered by the Company:

- A. EXHIBIT 29--Brennan/Harris Deposition Transcript of March 30, 1992
- Page 14--lines 13-15, text.
 - Page 25--lines 12 and 18, dollar amounts.
 - Page 28--lines 18-21, text.
 - Page 29--line 18, text.
 - Page 32--lines 23-24, text.
 - Page 33--lines 1, 12-15, percentage and text.
 - Page 34--lines 3, 15, 17, 19, 21, 22, 23, 24, years and percentage.
 - Page 35--lines 1, 2, 4, 5, 8, 10, 15, 17, 18, years and percentages.

DOCUMENT NUMBER-DATE

07235 JUL -7 1992

Page 37--lines 13-14, text.
Page 44--line 21, text.
Page 45--lines 6, 15, 16, 17, 24, text and percentage.
Page 46--lines 13, 23-24, percentage and text.
Page 47--lines 9-10, 12, 16, text and year.
Page 48--lines 11, 15, 20, 22, percentages.
Page 49--lines 2, 5, 21, percentage and dollar amounts.
Page 50--lines 4, 7, 12, 13, 15, dollar amounts and percentage.
Page 51--lines 6, 7, 13, 14, 22, percentages, text and dollar amounts.
Page 52--line 13, dollar amount.
Page 53--line 16, dollar amount.

The Company asserts that the information claimed as confidential in this deposition is based on questions asked in the deposition about the Transport/Access Platform Business Plan which was Exhibit 58 in the Docket. Confidential treatment for this business plan has also been requested.

The Transport/Access Platform Business Plan generally discusses Sprint Corporation's comprehensive strategy for the evolution of a communications transport and access platform and identifies products and services which Sprint projects can be marketed from that platform. It is the Company's position that the document is strategic in nature and reveals Sprint Corporation's view of the marketplace, market opportunities and its plans for taking advantage of these opportunities through its telephone company subsidiaries. The document also contains financial projections for some of these marketing opportunities. The Company contends that this information would enable suppliers and competitors of Sprint and its subsidiaries in the markets identified to anticipate the actions to be taken by Sprint and its subsidiaries, and thus gain a competitive advantage.

- B. EXHIBIT 31--Excerpts from the November 7, 1991 Discussion Overview of the Local Telephone Division 5 to 15 Year Strategic Plan
- Page 006--lines 12-13, text.
 - Page 007--lines 8-10, 14-19, 21-27, text.
 - Page 008--lines 5-10, 12-32, text.
 - Page 009--lines 5-16, 18-33, text.
 - Page 010--lines 6-7, 15-16, 21-24, text.
 - Page 011--lines 8-9, 11-14, 17-21, text.
 - Page 012--lines 5-10, text.
 - Page 013--lines 6-16, 19-22, 24-25, text.
 - Page 014--lines 6-12, 15-18, 20-25, text.

This document consists of excerpted pages from the Discussion Overview of the Local Telephone Division 5 to 15 Year Strategic Plan. The Company asserts that the Plan generally discusses comprehensive strategy of the Local Telecommunications Division (LTD) of Sprint Corporation for the evolution of its local telecommunications business for the period 5 to 15 years in the future. It identifies products and services which LTD projects will be marketed in that time period. It is the Company's view that the document is strategic in nature and reveals LTD's view of the marketplace, market opportunities and its plans for taking advantage of these opportunities through its telephone company subsidiaries. The Company avers that the document is LTD's view of the future; it is tightly controlled and only numbered copies were provided at a high level in the corporation. The Company concludes that information contained in this document would enable suppliers and competitors of LTD and its subsidiaries in the markets identified to anticipate the actions to be taken by LTD and its subsidiaries, and thus gain a competitive advantage. It would also enable suppliers and competitors to benefit from research conducted by LTD to produce the projections contained in the document without compensation to LTD.

- C. EXHIBIT 43--Excerpt from United Telecom Local Telecom Division 1991-1995 Marketing Product Vision
Page 002--lines 3-29, text.
Page 003--lines 7-9, text.
Page 004--lines 2-10, 13-14, text.
Page 005--lines 6-19, text.
Page 006--lines 3-6, 8-9, 16-22, text.
Page 007--lines 3-15, 18-20, 22-28, text.
Page 008--lines 3-13, 15-18, 21-23, text.
Page 009--lines 3-5, 7-11, 14-25, 26-34, text.
Page 010--lines 3-13, 15-18, 22-24, 26-27, text.

This document consist of excerpted pages from the 1991-1995 Marketing Product Vision of the Local Telecommunications Division. The Company asserts that the Product Vision generally discusses comprehensive strategy of the Local Telecommunications Division (LTD) for the evolution of its local telecommunications business for the 1991 to 1995 period. It identifies products and services which Sprint projects will be marketed in that time period. The document is strategic in nature and reveals LTD's view of the marketplace, market opportunities and its plans for taking advantage of these opportunities through its telephone company subsidiaries. The Company contends that the document is LTD's view of the near future; it is tightly controlled and only numbered copies were provided at a high level in the corporation. (See page 001 of the document.) United concludes that the information

contained in this document would enable suppliers and competitors of LTD and its subsidiaries in the markets identified to anticipate the actions to be taken by LTD and its subsidiaries, and thus gain a competitive advantage. It would also enable suppliers and competitors to benefit from research conducted by LTD to produce the projections contained in the document without compensation to LTD.

- D. EXHIBIT 58--Transport/Access Platform Business Plan
Page 006--lines 12-13, text.
Page 008--lines 28-31, 33-34, text.
Page 009--lines 28-30, 32, text.
Page 010--lines 3-6, 14-26, text and dates.
Page 013--graph.
Page 014--lines 9-17, 22-27, 29-34, text.
Page 022--lines 14-16, text.
Page 024--cols. 2 and 3, lines 16, dollar amounts.
Page 025--lines 9-15, 23-27, 33, text, lines 13-22,
35 graphs.
Page 026--lines 5-7 text and dollar amounts,
lines 13-14, text.
Page 027--cols. 2-6, lines 7-11, dollar amounts and
text
col. 1, lines 19, 24, 29, text.
cols. 2-4, lines 18, 20-23, 25-28, and
lines 30-33, dollar amounts and text.
Page 028--lines 2-5, 7-8, 14-15, 19-20, 21-25,
41-44, text
lines 34-44, graph.
Page 029--lines 2-11, text.
Page 030--lines 16, 26, 31, dates.
Page 031--lines 9, 13, dates.
Page 033--line 12, date, lines 28-35, text.
Page 034--lines 2-12, 14-22, text.
Page 035--lines 16-19, 22-39, text.
Page 036--line 12, date, lines 15-27, dates and text.
Page 038--lines 4-6, 8-10, text,
lines 16, 18, 19, dollar amounts.
Page 039--lines 16-22, percentages,
lines 24 and 26, dollar amounts.
Page 040--line 2, dollar amount,
line 4, percentage and date,
line 6, time period,
lines 8-10, percentages
Page 044--lines 19-31, 33-43, text and numbers.
Page 045--lines 5-15, 17-27, 29-39, 41-51, text and
numbers,
lines 52-54, numbers and percentages.

ORDER NO. PSC-92-0619-CFO-TL
DOCKET NO. 910725-TL
PAGE 5

Page 048--cols 2-13, lines 6-11, 13-19, numbers,
lines 20, dates
lines 21-22, percentages.
Page 049--lines 1-2, text and dollar amount,
cols. 2-14, dollar amounts and
percentages.
Page 050--line 1, text,
col. 2, lines 2-6, dollar amounts,
cols 2-14, lines 8-33, dollar amounts
and percentages.
Page 051--line 1, text,
col. 2, line 2, dollar amount
cols 2-14, lines 4-18, numbers and
dollar amounts.
Page 052--col. 1, lines 3, 4, 6, text.
cols 2-14, lines 3-25, dollar amounts.
Page 053--col. 1, lines 4, 6-8, 10-22, text,
cols 2, 3, 4, lines 4-22, dollar
amounts, numbers, text.

This document generally discusses LTD's comprehensive strategy for the evolution of a communications transport and access platform and identifies products and services which LTD projects can be marketed from that platform. United argues that the document is strategic in nature and reveals LTD's view of the marketplace, market opportunities and its plans for taking advantage of these opportunities through its telephone company subsidiaries. The document also contains financial projections for some of these marketing opportunities. United concludes that this information would enable suppliers and competitors of LTD and its subsidiaries in the markets identified to anticipate the actions to be taken by LTD and its subsidiaries, and thus gain a competitive advantage.

Upon review of the Company's exemplary and detailed pleading, I agree that disclosure of the material at issue would cause the types of competitive and contractual harm protected by Section 364.183(3), Florida Statutes. Therefore, I grant the Company's Request.

Therefore, based upon the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that the United Telephone Company of Florida Request for Confidential Classification is granted.

ORDER NO. PSC-92-0619-CFO-TL
DOCKET NO. 910725-TL
PAGE 6

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 7th day of July, 1992.



J. TERRY DEASON, Commissioner
and Prehearing Officer

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 25-22.038(2), 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.