

ORIGINAL

FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Verizon Florida, Inc. (f/k/a GTE Florida Inc.) against Teleport Communications Group, Inc. and TCG South Florida, for review of a decision by The American Arbitration Association in Accordance with Attachment 1 Section 11.2 (a) of the Interconnection Agreement between GTE Florida Inc. and TCG South Florida

Docket No. 030643-TP

Filed: 9/12/03

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TELEPORT COMMUNICATION GROUP, INC. AND TCG SOUTH FLORIDA'S OBJECTION TO VERIZON FLORIDA INC.'S REQUEST FOR CONFIDENTIAL CLASSIFICATION

Teleport Communications Group Inc. and TCG South Florida (collectively, "TCG") pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, hereby object to Verizon Florida Inc.'s ("Verizon's") Request for Confidential Classification. In support, TCG shows as follows:

1. On December 11, 2001, TCG filed a Demand for Arbitration before the American Arbitration Association, alleging that Verizon breached the parties' Interconnection Agreement by failing to pay reciprocal compensation for termination of ISP-bound traffic. Verizon filed a counter-claim relating to VFX traffic. The Arbitrator ruled against Verizon on both issues by Final Award dated June 13, 2003.

2. On July 18, 2003, Verizon Florida Inc. ("Verizon") filed its Petition and exhibits in this docket, requesting confidential treatment of the entire petition and its attached exhibits. TCG

filed its Motion to Dismiss the petition on August 6, 2003. Although TCG objected to Verizon's classification of its entire filing as confidential, TCG filed its Motion under confidential cover in order to provide Verizon the opportunity to claim confidentiality with regard to the information therein. On August 25, 2003, Verizon filed its Opposition to TCG's motion under confidential

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cover. Pursuant to direction by Commission staff, the parties refiled their pleadings after redacting information that either party considered confidential.

3. On September 5, 2003, Verizon filed a Request for Confidential Classification of large portions of Verizon's filings as well as sections of TCG's Motion to Dismiss. Verizon alleges that it seeks confidential classification of such material "in order to protect the confidentiality of the private alternative dispute resolution ("ADR") process", and argues that disclosure of this information would harm its business operations in that "it would make it more difficult for Verizon to pursue private ADR."

4. Statutory exemptions to public's right of access to records must be narrowly construed. *Times Pub. Co. v. State of Florida*, 827, So.2d 1040 (Fla. 2d DCA 2002). Verizon elected to file its Petition in a forum that requires public disclosure of most filings. The documents for which Verizon claims confidentiality are not confidential under Florida law, and Verizon has not shown that their disclosure would harm its business operations.

5. The Commission should disregard Verizon's assertion that disclosure of the Arbitrator's award and the specific pleadings filed in the arbitration "would make it more difficult for Verizon to pursue private ADR." Verizon has not shown the very "respect for confidentiality" that it claims is "essential to preserving the willingness of parties to settle disagreements through ADR."

6. A review of Verizon's publicly-filed Petition demonstrates that Verizon is not attempting to "protect the confidentiality of the private alternative dispute resolution process," but merely wishes to prevent the release of an adverse arbitration order. Verizon's Petition freely reveals the details of the arbitration, including the nature of the dispute, both parties' arguments, Verizon's grievances against TCG, and the result of the arbitration, redacting only

the details of the Arbitrator's Award.¹ Although Verizon argues that arbitration proceedings should "remain private and confidential" and that parties must be "assured that [their] information would remain confidential", its arguments are inconsistent with its pleadings herein. The Commission should not allow Verizon to selectively release some arbitration information while withholding under the guise of confidentiality other information it deems unacceptable to release.

WHEREFORE, TCG requests the Commission to order Verizon to refile its Petition and supporting documents, redacting only the specific confidential information previously identified by TCG and any Verizon proprietary confidential business information that meets the requirements of §364.183, Florida Statutes.

Respectfully submitted,



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¹ Verizon also redacted certain information upon TCG's request.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT a copy of the foregoing was furnished by U.S. Mail this 12th day of September, 2003, to the following:

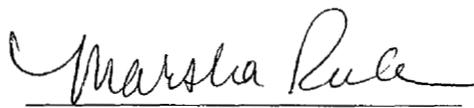
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