

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by MediaOne
Florida Telecommunications, Inc.
for arbitration of an
interconnection agreement with
BellSouth Telecommunications,
Inc. pursuant to Section 252(b)
of the Telecommunications Act of
1996.

DOCKET NO. 990149-TP
ORDER NO. PSC-99-1787-CFO-TP
ISSUED: September 14, 1999

ORDER GRANTING REQUEST FOR
CONFIDENTIAL TREATMENT OF DOCUMENT NO. 08704-99
(CROSS-REFERENCE 08023-99)

On July 22, 1999, BellSouth Telecommunications, Inc. (BST) filed a request for Confidential Classification of information contained in BST's response to Commission staff's Interrogatory No. 33 and Request for Production of Documents No. 14. The response to these requests reflects vendor specific prices negotiated by BST, including information concerning bids and other contractual data. The disclosure of that information would impair the efforts of the company to contract for services on favorable terms. BST asserts that it treats this information as confidential and that this information has not otherwise been disclosed. BST further asserts that public disclosure of this information could harm BST's business operations, and thus, BST's ability to compete.

Florida law presumes that documents submitted to governmental agencies shall be public records. The only exceptions to this presumption are the specific statutory exemptions provided in the law and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. This presumption is based on the concept that government should operate in the "sunshine." Rule 25-22.006(4)(c), Florida Administrative Code, provides that it is the Company's burden to demonstrate that the documents fall into one of the statutory examples set out in Section 364.183, Florida Statutes, or to demonstrate that the information is proprietary confidential information, the disclosure of which will cause the Company or its ratepayers harm.

Upon consideration, I agree that the disclosure of this information could have a detrimental effect on BST's competitive interests and, therefore, BST's business operations.

DOCUMENT NUMBER-DATE

11032 SEP 14 99

FILED RECORDS/REPORTING

Section 364.183(3), Florida Statutes, provides:

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.

Based on the definition of proprietary confidential business information in Section 364.183(3), Florida Statutes, it appears that the information for which BST seeks confidential classification is information that, if disclosed, would cause harm to the company or its ratepayers because disclosure would harm BST's business operations by impairing its ability to compete. Thus, this information qualifies as proprietary business information under Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. It shall, therefore, be granted confidential treatment in accordance with those provisions.

Based on the foregoing, it is therefore

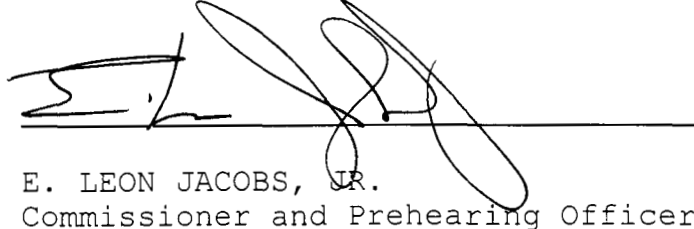
ORDERED by E. Leon Jacobs, Jr., as Prehearing Officer, that the request by BellSouth Telecommunications, Inc. for confidential treatment of information in Document No. 08704-99 (cross-reference 08023-99) is granted.

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the material specified herein shall expire eighteen (18) months from the date of the issuance of this Order, in the absence of a renewed request for confidentiality pursuant to Section 364.183, Florida Statutes. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

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By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, this 14th day of September, 1999.



E. LEON JACOBS, JR.
Commissioner and Prehearing Officer

(S E A L)

CLF

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, 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

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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.

M E M O R A N D U M

September 13, 1999

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RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (FORDHAM) *CF*

RE: DOCKET NO. 990149-TP - PETITION BY MEDIAONE FLORIDA TELECOMMUNICATIONS, INC. FOR ARBITRATION OF AN INTERCONNECTION AGREEMENT WITH BELLSOUTH TELECOMMUNICATIONS, INC. PURSUANT TO SECTION 252(B) OF THE TELECOMMUNICATIONS ACT OF 1996.

1787-CFU

Attached is an ORDER GRANTING REQUEST FOR CONFIDENTIAL TREATMENT OF DOCUMENT NO. 08704-99, to be issued in the above-referenced docket. (Number of pages in order - 4)

CLF/anc
Attachment
cc: Division of Communications
I: 08704cf.clf

see 1,2

MUST GO TODAY

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