

James Meza III  
Attorney

BellSouth Telecommunications, Inc.  
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(305) 347-5561

May 30, 2002

Mrs. Blanca S. Bayo  
Director, Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

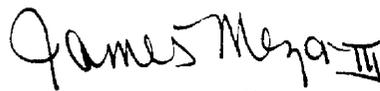
**RE: Docket No. 001305-TP (Supra)**

Dear Ms. Bayo:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Request for Specified Confidential Classification for its Opposition to Supra Telecommunications & Information System, Inc.'s Motion to Strike and Reply to BellSouth's Opposition to Supra's Motion to Disqualify and Recuse filed on May 1, 2002, which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return a copy to me. Copies have been served to the parties shown on the attached certificate of service.

Sincerely,

  
James Meza III (LAD)

Enclosures

cc: All Parties of Record  
Marshall M. Criser III  
R. Douglas Lackey  
Nancy B. White

DOCUMENT NUMBER-DATE

05732 MAY 30 08

FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE  
Docket No. 001305-TP**

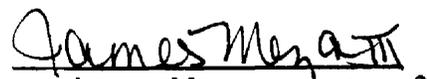
I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

Electronic Mail and U.S. Mail this 30th day of May, 2002 to the following:

Wayne Knight, Staff Counsel  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
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Fax. No. (850) 413-6250  
[wknight@psc.state.fl.us](mailto:wknight@psc.state.fl.us)

Ann Shelfer, Esq. (+)  
Supra Telecommunications and  
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Koger Center - Ellis Building  
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Paul Turner (+)  
Kirk Dahlke  
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James Meza (LCA)

**(+) Signed Protective Agreement**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Arbitration of the Interconnection ) Docket No. 001305-TP  
Agreement Between BellSouth Telecommunications, )  
Inc. and Supra Telecommunications & Information )  
System, Inc., Pursuant to Section 252(b) of the )  
Telecommunications Act of 1996. )  
\_\_\_\_\_ ) Filed: May 30, 2002

**BELLSOUTH TELECOMMUNICATIONS, INC.'S  
REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION**

BellSouth Telecommunications, Inc. ("BellSouth"), hereby files, pursuant to Rule 25-22.006, Florida Administrative Code, its Request For Specified Confidential Classification and states the following:

1. May 1, 2002, Supra Telecommunications & Information Systems, Inc. ("Supra") filed a Motion to Strike and Reply to BellSouth's Opposition to Supra's Motion to Disqualify and Recuse ("Motion") in the above-captioned docket.

2. On May 9, 2002, BellSouth filed its Opposition to Supra's Motion in the captioned docket along with a Notice of Intent to Request Specified Confidential Classification. Portions of BellSouth's Opposition contain information that is considered confidential and proprietary to BellSouth and Supra.

3. Several portions of BellSouth's Opposition contained substantive references to the private commercial arbitration proceeding between the parties, including specific references to the findings of the commercial arbitration panel. Both BellSouth and Supra are contractually bound under a previous and now-

expired Interconnection Agreement to keep the proceedings of the private arbitration confidential. Since the public release of this information is contractually prohibited, it is entitled to confidential classification pursuant to § 364.183, Florida Statutes.

4. BellSouth has not waived any of its rights regarding the confidentiality of the commercial arbitration proceedings.

5. In addition, the confidential nature of the commercial arbitration proceedings has been confirmed by the Federal District Court for the Southern District of Florida, in Civil Action No. 01-3365. As the court found in its October 31, 2001 Order, the parties are required under the previous and now-expired agreement to keep all information related to the commercial arbitration proceedings confidential.

The exception to the confidentiality provision does not permit the parties to disclose information and evidence produced during the arbitration proceedings and other related matters (including an arbitration award), beyond a judicial proceeding or unless by order of a court or a governmental body. Further, the Arbitral Tribunal, in its Order dated July 20, 2001, concluded that the arbitration award may contain proprietary or confidential information, which the parties agreed to be held in confidence in accord with the terms of the Agreement. Therefore, to unseal the filings in this case would contravene the confidentiality provision with which the parties agreed.

See October 31, 2001 Order at pp. 5-6. As a result, all filings and Orders in the Federal Court case, are required to be filed and kept under seal, except for the October 31, 2001, Order.

6. In addition, the subject information contains references to Supra's customer account records and thus may be prohibited from being disclosed pursuant to 364.24, Florida Statutes, and thus may be entitled to confidential classification.

7. For all of the above reasons, BellSouth is filing a Request for Specified Confidential Classification for the subject information. This information includes, among other things, contractual proprietary confidential business information that both parties are obligated to keep confidential. Pursuant to § 364.183, Florida Statutes, such information is considered proprietary confidential business information.

8. A more specific description of this information is contained in Attachment A. This information is valuable and BellSouth strives to keep it secret. Therefore, such information should be classified as proprietary, confidential business information pursuant to §§ 364.183(3)(e), Florida Statutes. Accordingly, it should be held exempt from the public disclosure requirements of Section 119.07, Florida Statutes.

9. BellSouth has treated and intends to continue to treat the information for which confidential classification is sought as private, and this information has not been generally disclosed.

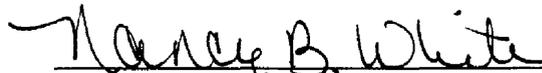
10. Appended hereto as Attachment B are two copies of the requested documents with the confidential information deleted.

11. Appended hereto as Attachment C is a sealed envelope containing one copy of the documents including the material, which is confidential and proprietary.

WHEREFORE, based on the foregoing, BellSouth requests that the Commission enter an order declaring the information described above to be confidential, proprietary business information that is not subject to public disclosure.

Respectfully submitted this 30th day of May, 2002.

BELLSOUTH TELECOMMUNICATIONS, INC.



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Suite 4300  
Atlanta, Georgia 30375  
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## **ATTACHMENT A**

**BellSouth Telecommunications, Inc.  
FPSC Docket No. 001305-TP  
Request for Confidential Classification  
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5/30/02**

### **REQUEST FOR CONFIDENTIAL CLASSIFICATION FOR PORTIONS OF BELLSOUTH'S OPPOSITION TO SUPRA'S MOTION TO STRIKE AND REPLY TO BELLSOUTH'S OPPOSITION TO SUPRA'S MOTION TO DISQUALIFY AND RECUSE FILED ON MAY 1, 2002 IN FLORIDA DOCKET NO. 001305-TP**

#### **Explanation of Proprietary Information**

1. This information contains substantive references to commercial arbitration awards between BellSouth and Supra. Both BellSouth and Supra are bound by a previous and now-expired Interconnection Agreement to keep the results of the arbitration confidential. Since the public release of this information is contractually prohibited, it is entitled to confidential classification pursuant to Section 364.183, Florida Statutes. The Parties are also bound by a ruling from the United States District Court for the Southern District of Florida to keep the information confidential. In addition, the subject information contains references to Supra's customer account information, which may be prohibited from being disclosed pursuant to Section 364.24 and thus should be entitled to confidential classification.

**ATTACHMENT A**

**BellSouth Telecommunications, Inc.  
FPSC Docket No. 001305-TP  
Request for Confidential Classification  
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**REQUEST FOR CONFIDENTIAL CLASSIFICATION FOR PORTIONS OF  
BELLSOUTH'S OPPOSITION TO SUPRA'S MOTION TO STRIKE AND REPLY TO  
BELLSOUTH'S OPPOSITION TO SUPRA'S MOTION TO DISQUALIFY AND  
RECUSE FILED ON MAY 1, 2002 IN FLORIDA DOCKET NO. 001305-TP**

<u>Location</u>	<u>Reason</u>
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Page 4, Lines 16 thru 18	1
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Page 4, Lines 34 thru 36	1
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