

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for relief from carrier-of-last-resort (COLR) obligations pursuant to Section 364.025(6)(d), F.S., for Villages of Avalon, Phase II, in Hernando County, by BellSouth Telecommunications, Inc. d/b/a AT&T Florida.

DOCKET NO. 070126-TL
ORDER NO. PSC-07-0646-CFO-TL
ISSUED: August 9, 2007

ORDER DENYING AT&T FLORIDA'S REQUEST FOR
SPECIFIED CONFIDENTIAL CLASSIFICATION
OF DOCUMENT NO. 02215-07

On March 12, 2007, BellSouth Telecommunications, Inc. d/b/a AT&T Florida (AT&T) filed its Request For Specified Confidential Classification of the information contained in FPSC Document No. 02215-07. The documents subject to the request for confidential classification include copies of emails between AT&T and legal counsel for Avalon Development, LLC (Avalon). The copies of emails were included as Exhibit "B" in AT&T's Petition for relief from its COLR obligations filed on February 23, 2007. The documents were made public on the Florida Public Service Commission's (FPSC's) website from February 26, 2007, until March 12, 2007. It is unknown how many copies of the documents were downloaded or printed from the FPSC website. Hence, this information has been made public.

In its Request For Specified Confidential Classification, AT&T states that the information contained in Exhibit "B" of its Petition For COLR Relief is alleged to be "confidential" by Avalon. AT&T disagrees with Avalon that Exhibit "B" contains information that is confidential; however, in the spirit of cooperation, AT&T has agreed to seek a claim of confidentiality. AT&T claims that the information contained in Exhibit "B" relates to Avalon's competitive interests, the disclosure of which would impair Avalon's competitive business operations. AT&T also claims that the information should be classified as confidential pursuant to Section 364.24, F.S., which prohibits the disclosure of customer account records by any telecommunications company.

A review of the information contained in Exhibit "B" reflects that the information does not meet the definition of "proprietary confidential business information" as described in Section 364.183(3), F.S. Exhibit "B" contains email correspondence that lists the communications service provider for the Villages of Avalon and the services provided. Information related to the names of the development's communications services provider and the services provided is posted on Connexion Technologies' website, William Ryan Homes, Inc.'s website, and included on the easements granted to AT&T, which are on file with the Hernando County Clerk's Office. Consequently, the subject information is already available on the public internet and in the Hernando County Clerk's Office. In addition, it does not appear that the disclosure of the information would harm Avalon's competitive business interests. The information lists only the

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names of the communications service providers serving the Villages of Avalon, and the services provided. The same information is used by the development's residential home builders to market their properties.

AT&T also states that the information should be classified as confidential pursuant to Section 364.24, F.S., which prohibits the disclosure of customer account records by any telecommunications company. The emails do not contain information related to customer account records.

The identified information does not meet the requirements for confidential classification pursuant to Section 364.183, F.S., and Rule 25-22.006(5), F.A.C., and as such, the information may not be treated as confidential.

As required by the Commission's Administrative Procedures Manual 11.04C.5.c.(5), AT&T was notified by Deficiency Letter, dated March 22, 2007, that AT&T's request for confidential treatment does not meet the requirements pursuant to Rule 25-22.006(5), F.A.C., and Section 367.183, F.S. The deficiency letter requested that AT&T provide a response within 14 calendar days (by April 6, 2007) demonstrating why the information should nonetheless be treated as confidential. A copy of the letter was also sent to Avalon Development, LLC. Neither party responded timely to the Deficiency Letter.

In light of the above, I conclude that the material described herein is not proprietary business information as contemplated under Section 364.183, F.S., and Rule 25-22.006, F.A.C. AT&T Florida's Request for Confidential Classification of Document No. 02215-07 is hereby denied.

Based on the foregoing, it is

ORDERED by Commissioner Katrina J. McMurrin, as Prehearing Officer, that AT&T Florida's Request for Confidential Classification of Document No. 02215-07, is denied.

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By ORDER of Commissioner Katrina J. McMurrian, as Prehearing Officer, this 9th day of August, 2007.


KATRINA J. McMURRIAN
Commissioner and Prehearing Officer

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(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; or (2) 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 Office of Commission Clerk, 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.