

Dorothy Menasco

From: Slaughter, Brenda [bs3843@att.com]
Sent: Thursday, January 29, 2009 3:42 PM
To: Filings@psc.state.fl.us
Cc: Culpepper, Robert; Woods, Vickie; Holland, Robyn P; jp074a; Eure, Micale
Subject: Docket 000121A-TP
Attachments: 000121A-TP Resp to Cbeyond Deltacom Nuvox obj to RCC 1-29-09.pdf

- A. Brenda Slaughter
Legal Secretary to Robert A. Culpepper, John T. Tyler and Dorian Denburg
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- B. Docket No. 000121A-TP: In Re: Investigation into the Establishment of Operations Support Systems Permanent Incumbent Local Exchange Telecommunications Companies.
- C. BellSouth Telecommunications, Inc.
on behalf of Robert A. Culpepper
- D. 6 pages total in PDF format (includes, letter, certificate of service and pleading)
- E. BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Response to Cbeyond, Deltacom and Nuvox's Objection to AT&T Florida's Request for Confidential Classification

<<000121A-TP Resp to Cbeyond Deltacom Nuvox obj to RCC 1-29-09.pdf>>

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January 29, 2009

Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 000121A-TP
**In Re: Investigation into the establishment of operations support systems
permanent incumbent local exchange Telecommunications companies**

Dear Ms. Cole:

Enclosed is BellSouth Telecommunications, Inc. d/b/a AT&T Florida's ("AT&T Florida") response to Cbeyond, Deltacom and Nuvox's Objection to AT&T Florida's Request for Confidential Classification of the Commission Staff's April OSS Release Audit Report, which we ask that you file in the referenced docket.

A copy of the same is being provided to all parties as reflected in the attached certificate of service.

Sincerely,

Robert A. Culpepper

Enclosures
cc: All parties of record
Jerry D. Hendrix

694934

CERTIFICATE OF SERVICE
Docket No. 000121A-TP

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

Electronic Mail and U.S. Mail the 29th of January, 2009 to the following:

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Robert A. Culpepper

(+) Signed Protective Agreement

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the Establishment)
Of Operations Support Systems Permanent)
Performance Measures for Incumbent)
Local Exchange Telecommunications.)
Companies (BellSouth Track).)

Docket No.: 000121A-TP

Filed: January 29, 2009

**RESPONSE TO CLECS' OBJECTION TO AT&T FLORIDA'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida" or "AT&T") hereby responds to the Objection to AT&T's Request for Confidential Classification ("Objection") filed by Cbeyond Communications, LLC, Deltacom, Inc., and NuVox Communications, Inc. (collectively, the "CLECs"). As explained below, the CLECs' Objection serves no legitimate purpose and lacks any merit. Accordingly, the Objection should be dismissed.

1. As background, in December 2008, the Commission's Staff issued a report entitled "A Review AT&T's OSS April 208 Release Analysis and Resolutions" ("Audit Report"). Because the Audit Report contains proprietary confidential business information, AT&T Florida filed a Request for Confidential Classification ("RCC") on January 9, 2009. The CLECs' Objection to the RCC was filed on January 22, 2009.

2. As an initial matter, in their Objection the CLECs failed to disclose that the *CLECs have reviewed the proprietary version of the Audit Report* pursuant to nondisclosure agreements executed between the CLECs and AT&T Florida. Since the CLECs have reviewed the proprietary version of the Audit Report they have no legitimate basis whatsoever to object to the RCC. For example, since the CLECs have reviewed the proprietary version of the Audit

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Report, the CLECs cannot credibly contend that the RCC somehow impedes their ability to review the public version of the Audit Report.

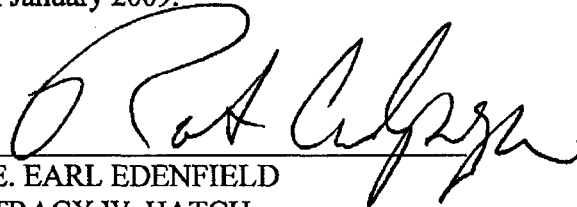
3. In any event, the RCC fully comports and complies with applicable law as the RCC specifically identifies the portions of the Audit Report which contain proprietary confidential business information and the RCC sets forth the justification offered in support of such classification.¹ The disclosure of such proprietary confidential business information will harm the business operations of AT&T Florida. For example, disclosure of detailed information about AT&T's Key Learning Review ("KLR") process would harm the tool that AT&T must rely upon to validate and improve upon its OSS software release processes. AT&T uses the KLR process to gather information about what worked and what did not work after every software release. Because the process is purely internal, AT&T managers feel free to speak their minds. In that way, AT&T is much more likely to find issues and quickly resolve them. If the process and specific input and finding were subject to disclosure, employees would no longer feel free to be as critical as they need to be and as a result, the process would no longer be useful as a tool for improvement. The KLR process is effectively an internal auditing control and thus is entitled to be treated as proprietary confidential business information under 364.183(3), Florida Statutes.

¹ In the RCC, AT&T Florida explained the material it has identified as proprietary is confidential business information of a technical nature used by AT&T in conducting its business and is not commonly known by or available to the public. AT&T derives economic value from this information not being generally known to, and not being readily ascertainable by competitors who can obtain economic value from its disclosure. Specifically, this information contains information related to AT&T's Key Learning Review process and/or AT&T's software defect management process. This information is considered proprietary and confidential to AT&T as it describes, among other things, AT&T's internal operations regarding planning, implementing, and managing OSS software releases and the disclosure of such information could cause harm to AT&T.

4. Further, the RCC is substantially similar to numerous RCCs filed without objection with the Commission, including RCCs filed without objection in this docket. This strongly suggests that the CLECs' Objection is nothing more than harassing maneuver designed to waste the time and resources of AT&T Florida and the Commission's Staff.

For the reasons set forth herein, AT&T Florida's respectfully requests an Order that: (i) dismisses the CLECs' Objection; and (ii) declares the portions of the Audit Report that AT&T Florida has identified as proprietary confidential business information to be considered and treated as such pursuant to Section 364.183, Florida Statutes and other applicable law.

Respectfully submitted this 29th day of January 2009.



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