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February 10, 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 CLECS' Objection to AT&T Florida's Request for Confidential Classification, 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

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: February 10, 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 latest 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 denied.

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 ("Audit Report RCC") on January 9, 2009. The CLECs' Objection to the Audit Report RCC was filed on January 22, 2009. AT&T Florida filed a response to the CLECs' Objection on January 29, 2009.

2. As previously stated, the Audit Report contains proprietary confidential business information that is (i) treated as proprietary by AT&T Florida; (ii) is not generally disclosed; and (iii) the disclosure of such information will harm the business operations of AT&T. Additional information regarding such proprietary confidential business information is set forth in AT&T Florida's Audit Report RCC (filed on January 9, 2009), and in AT&T Florida's response to the

CLECs' objection to the Audit Report RCC (filed on January 29, 2009), both of which are incorporated herein by reference.

3. On January 20, 2009, AT&T Florida filed another RCC, this time in connection with its comments regarding the Audit Report ("AT&T's Comments"). Similar to its RCC regarding the Audit Report, AT&T limited its confidentiality claim to those specific aspects of its Comments that addressed AT&T's Key Learning Review process and AT&T's software defect management process, both of which AT&T considers proprietary confidential business information ("Comments RCC").

4. On February 3, 2009, in a continuing attempt to harass AT&T and waste the Commission's time, the CLECs filed their most recent RCC Objection. Once again, in objecting to AT&T's Comments RCC, the CLECs conceal the fact that the *CLECs have reviewed the proprietary version of AT&T's Comments* pursuant to nondisclosure agreements executed between the CLECs and AT&T Florida. Since the CLECs have reviewed the proprietary version of the AT&T's Comments, they have no legitimate basis whatsoever to object to the Comments RCC. For example, since the CLECs have reviewed the proprietary version of AT&T's Comments, the CLECs cannot credibly contend that the Comments RCC somehow impedes their ability to review the public version of AT&T's Comments.

5. Further evidence that the CLECs' most recent RCC objection lacks any semblance of credibility is the fact that the public (or redacted) version of AT&T's Comments has been posted on the Commission's website. A cursory review of the public version of AT&T's Comments reveals that the overwhelming majority of the Comments are in the public domain. A closer review of the public version of AT&T's Comments unquestionably demonstrates that the

CLECs' claim that AT&T is somehow attempting to conceal "embarrassing facets" of its Comments is claim that is totally devoid of any merit.

6. In any event, AT&T Florida's Comments RCC fully comports and complies with applicable law as the RCC specifically identifies the portions of AT&T's Comments which contain proprietary confidential business information and the RCC sets forth the justification offered in support of such classification.<sup>1</sup> 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.

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<sup>1</sup> In the Comments 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.

7. Further, the Comments 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' latest RCC objection is nothing more than a continuing harassing maneuver designed to waste the time and resources of AT&T Florida and the Commission's Staff.

8. For the reasons set forth herein, AT&T Florida's respectfully requests an Order that: (i) denies the CLECs' Objection; and (ii) declares the portions of AT&T's Comments 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 10<sup>th</sup> day of February 2009.

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**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 10th day of February, 2009 to the following:

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**(+) Signed Protective Agreement**