

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by AT&T
Communications of the Southern
States, Inc. for arbitration of
certain terms and conditions of
a proposed agreement with
BellSouth Telecommunications,
Inc. concerning interconnection
and resale under the
Telecommunications Act of 1996.

DOCKET NO. 960833-TP
ORDER NO. PSC-97-0951-CFO-TP
ISSUED: August 11, 1997

ORDER GRANTING BELLSOUTH TELECOMMUNICATIONS, INC.'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
FOR DOCUMENT NO. 11389-96

Pursuant to Rule 25-22.006(4), Florida Administrative Code, BellSouth Telecommunications, Inc., (BellSouth or the Company) requested confidential treatment for certain information. This information is contained in Document No. 11389-96.

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), 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.

Section 364.183(3), Florida Statutes, provides the following definition for proprietary confidential business information.

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

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a court or administrative body, or private agreement that provides that the information will not be released to the public. The term includes, but is not limited to:

- (a) Trade secrets.
- (b) Internal auditing controls and reports of internal auditors.
- (c) Security measures, systems, or procedures.
- (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company or its affiliates to contract for goods or services on favorable terms.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

Rule 25-22.006(4)(c), Florida Administrative Code, requires that the Company demonstrate by a line-by-line or field-by-field justification how the information asserted to be confidential qualifies as one of the statutory examples listed in section 364.183(3), Florida Statutes. If no statutory example is applicable, then the Company shall include a statement explaining how the ratepayers or the Company's operations will be harmed by disclosure.

Specifically, BellSouth is requesting confidential classification for the following pages:

Page No.	Line/Col.No.
25	Col. C; Lines 25,28,31,34
26	Lines 5&8
30	Cols. M&N; Lines 7-11, 13-17 19-23,25-29,31-35,37-41,43-46
31	Cols. M&N; Lines 6,8-12,14-18, 20-24,26-30,32-36,38-42,44-46

Page No.	Line/Col.No.
32	Cols. M&N; Lines 6-8,10-14, 16-20,22-26,28-32,34-38, 40-44,46

34	Cols. M&N; Lines 6-20,25-29, 31-35,37-41,43,44
35	Cols. M&N; Lines 6-8,10-13
37	Line 11(no.)
40,42	Cols. D&F;H, Lines 108-144,147
41	Cols. D&F;H, LINES 12-48,51
51,53,55	Cols. C&D, Lines 3-9
52,54	Cols. A,B,D-G, Lines 7-30
56	Cols. A,B,D-G, Lines 8-28
65	Cols. D-I

Document No. 11389-96 is a cost study of BellSouth's unbundled loops. The loops include the 2-wire analog voice grade loop, 4-wire analog voice grade loop, and 2-wire ISDN digital grade loop. The Company is specifically requesting confidentiality for installation, material, and engineering investments as well as cost factors and nonrecurring costs. The Company asserts that public disclosure of this information would provide BellSouth's competitors with an advantage. The data would, according to BellSouth, allow competitors to formulate plans for entry into the market. I am persuaded by the Company's argument. Knowing the Company's cost would allow a competitor to price below the cost at which BellSouth could provide the service. Disclosure could cause economic harm to BellSouth. This is the type of information that falls into the category of proprietary confidential business information described in Section 364.183(3)(e), Florida Statutes. The Company has shown its intent to keep this type of information confidential with its past requests for confidential classification of similar information. For these reasons, I grant confidential classification.

Based upon the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s request for Confidential Classification for Document No. 11389-96 is granted.

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 364.183. 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 J. Terry Deason, as Prehearing Officer, this 11th day of August, 1997.



J. TERRY DEASON
Commissioner and Prehearing Officer

(S E A L)

AED

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.

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 25-22.038(2), 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 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.