

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Metropolitan
Fiber Systems of Florida, Inc.
For arbitration with BellSouth
Telecommunications, Inc.
concerning interconnection rates,
terms, and conditions pursuant to
the Federal Telecommunications
Act of 1996.

DOCKET NO. 960757-TP
ORDER NO. PSC-97-1034-CFO-TP
ISSUED: 08/28/97

ORDER GRANTING BELLSOUTH TELECOMMUNICATIONS, INC'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
AND MOTION FOR PROTECTIVE ORDER
FOR DOCUMENT NOS. 01663-97 AND 02210-97

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 Nos. 01663-97 and 02210-97. Both documents contain identical information.

Documents submitted to governmental agencies in Florida are public records. The only exceptions 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 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 a court or administrative body, or private agreement that

DOCUMENT NUMBER-DATE

08733 AUG 28 97

FPSC-RECORDS/REPORTING

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 seeks confidential treatment for the information documented in Attachment A. Document Nos. 01663-97 and 02210-97 contain total service long run incremental cost studies for asymmetrical and high-bit rate digital subscriber lines. The documents also contain a total service long run incremental cost study for physical collocation. BellSouth argues that these cost studies can be used as a resource by competitors planning to offer local service. Competitors could use the cost study information to determine the lowest price at which BellSouth could offer a service. The disclosed information could be used to formulate marketing and entry plans. The company also asserts that the information contains vendor contractual information. Disclosure of this information would adversely impact BellSouth's ability to negotiate for goods and services on a favorable basis.

ORDER NO. PSC-97-1034-CFO-TP
DOCKET NO. 960757-TP
PAGE 3

I am persuaded by BellSouth's argument. The information for which the company seeks confidential treatment is proprietary confidential business information as described in section 364.183(3)(e), Florida Statutes. If the information were disclosed, there would be an adverse impact on the company's competitive interest. Competitors could use the information to price their services below the prices offered by BellSouth. The information also falls under the definition of proprietary confidential business information as described in section 364.183(3)(d), Florida Statutes. Disclosure of certain portions of the information in this document would cause BellSouth to violate nondisclosure agreements made between it and its vendors. Because the information falls within the statutory definitions of proprietary confidential business information and disclosure would have an adverse economic effect on the company, BellSouth's request for confidential treatment is granted.

Based upon the foregoing, it is

ORDERED by Chairman Julia L. Johnson, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s request for Confidential Classification and Motion for Protective Order for Document No. O2210-97 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.

By ORDER of Chairman Julia L. Johnson, as Prehearing Officer, this 28th day of August, 1997.



JULIA L. JOHNSON
Chairman 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.

LOCATION OF THE PROPRIETARY INFORMATION

<u>PAGE NO.</u>	<u>LINE/COL. NO.</u>	<u>REASON</u>
Florida Unbundled ADSL and HDSL Compatible Loop TSLRIC Cost Studies Years 96-98		
12	col A,B,C lines 8,11,14	A
21	col B lines 9,12,15	A
23	col C lines 13,15,17,19,21,23,28,29,32,35	A
24	lines 5,8,11,13	A
26	col M,N lines 6-43	A
27	col M,N lines 6-26	A
29	line 17	A
32	col D,F,H lines 108,110,112,114,116,118,121, 123,125,127,129,131,133,135,137,139, 141,143-147	A
33	col D,F,H lines 108,110,112,114,116,118,121, 123,125,127,129,131,133,135,137,139, 141,143-147	A
34	col D,F,H lines 12,14,16,18,20,22,25,27,29,31, 33,35,37,39,41,43,45,47-51	A
38	col C,D lines 13,15,17,19,21,24	A
39	col A-G lines 16-37	A
40	col C,D lines 13,15,17,19,21,24	A
41	col A-G lines 16-37	A
42	col C,D lines 13,15,17,19,21,24	A
43	col A-G lines 16-37	A
51	col D-I lines 4,7,10,13,16,19,22,25,28,31,37	A

LOCATION OF THE PROPRIETARY INFORMATION

<u>PAGE NO.</u>	<u>LINE/COL. NO.</u>	<u>REASON</u>
Florida Physical Collocation TSLRIC Cost Study		
Page 13	Column A Lines 13-19	A
Page 13	Column B Lines 6-11, 18, 19	A
Page 13	Column C Lines 9, 18, 19	A
Page 14	Column A Lines 6-11	A
Page 14	Column B Lines 6, 7, 13, 14, 15	A
Page 14	Column C Lines 6, 7, 13, 14, 15	A
Page 17	Column A Lines 1-32	A
Page 18	Columns A, B, C Lines 12 - 27, 31	A
Page 19	Columns A, B, C Lines 12 - 29, 33	A
Page 20	Columns A, B, C Lines 1 - 40	A
Page 21	Columns A, B, C Lines 1 - 40	A
Page 22	Columns A, B, C Lines 1 - 42	A
Page 23	Columns A, B, C Lines 1 - 35, 40	A
Page 24	Columns A, B, C Lines 1 - 24, 33	A
Page 25	Columns A - D Lines 14 - 29, 33	A
Page 26	Column A Lines 1, 5, 9, 14, 18, 22, 26, 28, 32, 36	A
Page 27	Columns A - D Lines 14- 29, 33, 37	A
Page 28	Column A Lines 1, 7, 13, 19, 25	A
Page 29	Columns A - D Lines 14 - 29, 33	A
Page 30	Column A Lines 1 - 34	A
Page 31	Column A Line 1	B
Page 31	Column A Lines 5, 9, 13, 17, 21, 25, 28, 32, 36	A
Page 32	Column A Line 1	B
Page 32	Column A Lines 5, 9, 13, 17, 21, 25, 28, 32, 36	A
Page 33	Column A Line 1	B
Page 33	Column A Lines 5, 9, 13, 17, 21, 25, 28, 32, 36	A
Page 34	Column A Line 1	B
Page 34	Column A Lines 5, 9, 13, 17, 21, 27, 31, 34, 38, 42	A
Page 35	Columns A - D Lines 14 - 29, 33	A

LOCATION OF THE PROPRIETARY INFORMATION

<u>PAGE NO.</u>		<u>LINE/COL. NO.</u>	<u>REASON</u>
Page 36	Column A	Lines 1 - 30	A
Page 37	Column A	Line 1	B
Page 37	Column A	Lines 5, 9, 13, 17, 21, 25, 28, 32, 36	A
Page 38	Column A	Line 1	B
Page 38	Column A	Lines 5, 9, 13, 17, 21, 25, 28, 32, 36	A
Page 39	Columns A - D	Lines 14 - 29, 33	A
Page 40	Column A	Lines 1 - 34	A
Page 41	Column A	Line 1	B
Page 41	Column A	Lines 5, 9, 13, 17, 21, 25, 28, 32, 36	A
Page 42	Column A	Line 1	B
Page 42	Column A	Lines 5, 9, 13, 17, 21, 25, 28, 32, 36	A
Page 43	Column A	Line 1	B
Page 43	Column A	Lines 5, 9, 13, 17, 21, 25, 28, 32, 36	A
Page 44	Column A	Line 1	B
Page 44	Column A	Lines 5, 9, 13, 17, 21, 27, 31, 34, 38, 42	A
Page 45	Columns A - D	Lines 14 - 29, 33	A
Page 46	Column A	Lines 1 - 30	A
Page 47	Column A	Line 1	B
Page 47	Column A	Lines 5, 9, 13, 17, 21, 25, 28, 32, 36	A
Page 48	Column A	Line 1	B
Page 48	Column A	Lines 5, 9, 13, 17, 21, 25, 28, 32, 36	A
Page 49	Columns A - D	Lines 14 - 29, 33	A
Page 50	Column A	Lines 1 - 46	A
Page 51	Column A	Line 1	B
Page 51	Column A	Lines 5, 9, 13, 17, 21, 25, 28, 32, 36	A
Page 52	Column A	Line 1	B

LOCATION OF THE PROPRIETARY INFORMATION

<u>PAGE NO.</u>	<u>LINE/COL. NO.</u>	<u>REASON</u>
Page 52	Column A Lines 5, 9, 13, 17, 21, 25, 28, 32, 36	A
Page 53	Column A Line 1	B
Page 53	Column A Lines 5, 9, 13, 17, 21, 25, 29, 33, 36, 40, 44	A
Page 54	Column A Line 1	B
Page 54	Column A Lines 5, 9, 13, 17, 21, 25, 27, 31, 35, 39	A
Page 55	Column A Line 1	B
Page 55	Column A Lines 5, 9, 13, 17, 21, 25, 27, 31, 35, 39	A
Page 56	Column A Line 1	B
Page 56	Column A Lines 5, 9, 13, 17, 21, 25, 27, 31, 35, 39	A
Page 57	Columns A - D Lines 14 - 29, 33	A
Page 58	Column A Lines 1 - 32	A
Page 59	Column A Line 1	B
Page 59	Column A Lines 5, 9, 13, 19, 23, 27, 31, 34, 38, 42	A
Page 60	Column A Line 1	B
Page 60	Column A Lines 5, 9, 13, 17, 21, 25, 28, 32, 36	A
Page 61	Column A Line 1	B
Page 61	Column A Lines 5, 9, 13, 17, 21, 25, 28, 32, 36	A
Page 62	Columns A - D Lines 14 - 29, 33	A
Page 63	Column A Lines 1 - 46	A
Page 64	Column A Line 1	B
Page 64	Column A Lines 5, 9, 13, 17, 21, 25, 28, 32, 36	A
Page 65	Column A Line 1	B
Page 65	Column A Lines 5, 9, 13, 17, 21, 25, 28, 32, 36	A
Page 66	Column A Line 1	B
Page 66	Column A Lines 5, 9, 13, 17, 21, 25, 28, 32, 36	A

LOCATION OF THE PROPRIETARY INFORMATION

<u>PAGE NO.</u>	<u>LINE/COL. NO.</u>	<u>REASON</u>
Page 67	Column A Line 1	B
Page 67	Column A Lines 5, 9, 13, 17, 21, 25, 27, 31, 35, 39	A
Page 68	Column A Line 1	B
Page 68	Column A Lines 5, 9, 13, 17, 21, 25, 27, 31, 35, 39	A
Page 69	Column A Line 1	B
Page 69	Column A Lines 5, 9, 13, 17, 21, 25, 27, 31, 35, 39	A
Page 70	Columns A - D Lines 14 - 29, 33	A
Page 71	Column A Lines 1 - 32	A
Page 72	Column A Line 1	B
Page 72	Column A Lines 5, 9, 13, 19, 23, 27, 31, 34, 38, 42	A
Page 73	Column A Line 1	B
Page 73	Column A Lines 5, 9, 13, 17, 21, 25, 28, 32, 36	A
Page 74	Column A Line 1	B
Page 74	Column A Lines 5, 9, 13, 17, 21, 25, 28, 32, 36	A
Page 78	Columns A, B Lines 2 - 34	A
Page 79	Columns A, B, D, Lines 3 - 14, 18, E, F, G	A
Page 80	Columns A, B, D, Line 1, E, F, G	A
Page 80	Column G Lines 8, 11, 16, 24, 29	A
Page 81	Columns A, B, D, Lines 4, 6, 8, 14, 18, E, F, G	A
Page 82	Columns A, B, C, Lines 3, 5, 7, 9, 12, 15, D, F, G, H, I, J, 17, 23, 27, K, L, M	A
Page 83	Columns A, B, C, Lines 3, 5, 7, 9, 12, 15, D, F, G, H, I, J, 17, 23, 27, K, L, M	A

ORDER NO. PSC-97-1034-CFO-TP
DOCKET NO. 960757-TP
PAGE 10

Attachment A
Docket 960757-TP
Cost Studies in Response to Order
Page 7
02/27/97

LOCATION OF THE PROPRIETARY INFORMATION

<u>PAGE NO.</u>	<u>LINE/COL. NO.</u>	<u>REASON</u>
Page 84	Columns A, B, C, Lines 3, 5, 7, 9, 11, 14, D, F, G, H, I, J, 17, 19, 25, 29 K, L, M	A
Page 85	Columns A, B, C, Lines 3, 5, 7, 9, 11, 14, D, F, G, H, I, J, 17, 19, 23, 27 K, L, M	A
Page 86	Columns A, B, D, E Lines 4, 5, 6, 10, 15, 16, 17, 19, 24, 25, 26, 28	A