

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-97-1270-CFO-TP
ISSUED: 10/15/97

ORDER GRANTING BELL SOUTH TELECOMMUNICATIONS, INC.'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
FOR DOCUMENT NOS. 10641-96 AND 11392-96

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 Nos. 10641-96 and 11392-96.

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

DOCUMENT NUMBER-DATE

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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 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 pages documented in Attachment A. The document is comprised of a number of cost studies. The studies include total long run incremental cost studies for unbundled loops and total element long run incremental cost studies for unbundled loops. The studies also include cost factors for determining recurring and nonrecurring costs and loop investment figures. BellSouth contends that public disclosure of the cost study information would provide the Company's competitors with an advantage. Competitors would be able to formulate plans for entry, pricing, marketing, and overall

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business strategy. The Company contends that it is BellSouth's intent to keep the information a secret.

The information contained in this document falls within the categories of proprietary confidential business information enumerated in Sections 364.183(3)(e), Florida Statutes. Cost information regarding unbundled loops is information of a competitive nature. Since disclosure affects the competitive interests of BellSouth, disclosure of the cost study information falls into the category described in Section 364.183(3)(e), Florida Statutes. For the above reasons, BellSouth's request for confidential classification for Document Number 11392-96 is hereby granted.

Based upon the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s request for Confidential Classification for Document Nos. 10641-96 and 11392-96 is granted. It is further

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 Commissioner Susan F. Clark, as Prehearing Officer, this 15th day of October, 1997.



SUSAN F. CLARK
Commissioner and Prehearing Officer

(S E A L)

AED

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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.

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.

ATTACHMENT A

EPSC 960833/846-916-TP

LATE FILED DEPOSITION EXHIBITS
OF
DAONNE CALDWELL TAKEN 9/27/96 & 10/7/96

Explanation of Proprietary Information

This information contains costs which reflect BellSouth's total service and total element long run incremental cost of providing service on a going forward basis. Public disclosure of this information would provide BellSouth's competitors with an advantage. The cost data is valuable to competitors and potential competitors in formulating plans for entry, pricing, marketing and overall business strategies. This same information on competitors is not available to BellSouth. Additionally, this information is valuable to BellSouth in that it is used by BellSouth in the conduct of its business and BellSouth strives to keep it secret. Therefore, it is a trade secret which should be classified as proprietary, confidential business information exempt from the Open Records Act pursuant to Section 364.183 Florida Statutes.

LOCATION OF THE PROPRIETARY INFORMATION

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LINE/COL. NO

Exhibit # 2

Page 32	Col. A, Lines 24,27,30,31,34,35
33	Lines 5,6,9,10
37	Cols. Unit Inv/Totalinv, Lines 7-11, 13-17,19-23,25-29,31-35,37-41,43-46
38	Cols. Unit Inv/Totalinv, Lines 7-12, 14-18,20-24,26-30,32-36,38-42,44-46
39	Cols. Unit Inv/Totalinv, Lines 6,7,9-13, 15-19,21-25,27-31,33-37,39-43,45,46
40	Cols. Unit Inv/Totalinv, Lines 6-8,10-14, 16-20,22-26,28-32,34-38,40-46
41	Cols. Unit Inv/Totalinv, Lines 6-16,21-25, 27-31,33-37,39-43

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LINE/COL. NO.

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59,62,64
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Cols. Unit Inv/Totalinv
Line 11
Cols. Average Inv, Total Monthly
Cost, Levelized Monthly Cost
Cols. First, Addtl, Lines 3-9
Cols. A,B,D-G
Cols. A-F, Lines 30-32

Exhibit 2 (TSLRIC) Item no. 2

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156,161,165-169
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Lines 4,5,7,8,10,11
Col. Expense in 1994
Cols. A-C
Cols. 1994-1997
Cols. 1994-1997,marginalia
Cols. 1994-1997, Lines 4,5,7-12,
14-19,22-24

175-191
192-194
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Cols. A-G
Cols. A-K
Cols. A-I
Cols. Jan-Dec, 1995-1997
Col. A
Col. A, Lines 6,26-29,33-36,38,42-44,
49-51,53

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241-247
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Col. A, Lines 6,26-29,33-36,38,40,42,
44,46,48,52,54
Col. A, Lines 5-9,18,20-28
Cols. E,G,I,K,M
Col. Levelized Inv
Cols. A/B, Line 15, Cols. A,C-E
Cols. A/B, Line 12, Cols. A,C-E
Cols. A, Lines 1,10
Col. A, Lines 5-9,18,20-28
Cols. K,M
Cols. K, M,O,P
Cols. K,M,O-R

<u>PAGE NO.</u>	<u>LINE/COL. NO</u>
Page 256-260	Cols. D,F,H
261,264-270	Cols. D,F,I
262,263	Cols. A,C,F,H,J
271	Col. D
272	Cols. D,F
273,274	Cols. D,F,I
275	Cols. A,C,F,H,I,K,M
276	Cols. A,C,F,I,J,L,M
277,278,280	Cols. A,C,F,H,I,K,L
279	Cols. A,C,F,H,I.
281	Cols. A,B,D,E
282	Cols. A,E,F
285-292	Cols. 1995-1997, Lines 9-14,22-27
293	Cols. 1995-1997, Lines 9-14
294	Cols. 1995-1997, Lines 31-58
296,297	Cols. 1994-2003
298	Col. B (1995-1997)
300	Cols. B-D
307	Cols. A,B
314	Lines 12-14,23-25,34-36,40-43
317	Cols. A-C
329-332	Cols. 1989-1994
333-339	Cols. 1989-1993
340-343	Cols. 1993-2003
344-346	Cols 1991-2002

Item no. 5

Page 384-385 Cols. A-C

Exhibit 3 (TELRIC)

Page 31 Col. A, Lines 9,11,13,15,18 (marginalia);
Lines 25,28,31,34
32 Lines 5,8
36-41 Cols. Unit Inv/Totalinv

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LINE/COL. NO.

Page 43	Line 11
46-48	Cols. D,F,H
57,59,61	Cols. C,D, Lines 3,5,7,9
58,60,62	Cols. A,B,D-G
71	Cols. D-I
142	Col. 1996 Florida, Lines 4,5,7,8
143-145	Col. D
146	Col. B-D
147-152	Cols. 1995-1998
153-155	Cols. 1996-1998
157	Lines 4,5
158	Cols. F-K
159-181	Col. Amount
182	Cols. D-I
183-185	Cols. B-L
205	Cols. 1996-1998
206	Col. Current Cost
221	Cols. Level Invst, Annual Weighted Direct Cost
222	Lines 8,24
226	Col. Florida, Lines 1,2,4-7
227	Cols. A-F
228,229	Cols. C,E,F,H,L
230	Lines 4-15
232	Cols. C-E
233,234,238-251	Cols. C-E,G-I
235,236	Cols. K,M,P,R,S
237	Cols. G,I,K,M,O,P
252,256,257	Cols. C-E,G
253-255	Cols. D,E,G
258,259	Cols. C,G
260,261	Cols. D,G
262,263	Cols. D,E,G
264	Cols. B,C,F,G,J,K
265-269	Cols. E,F,H-J
272-285	Lines 9-14,22-27
286	Lines 9-14

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Attachment A
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290,291	Cols. 1994-2004
292,309	Cols. 1996-1998
294	Cols. B-D
310	Cols. Power&Common, Power Only
311	Col. Current Cost
316	Cols. 1996-1998
318	Lines 11-13,22-24,33-35,39-42
321,338	All Columns
333-337	Cols. 1988-1/95
339-340	Cols. 1994-2004
341,342	Cols. 1994-2003
343-346	All Columns