

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petitions by AT&T) DOCKET NO. 960833-TP
Communications of the Southern) DOCKET NO. 960846-TP
States, Inc., MCI) DOCKET NO. 960916-TP
Telecommunications Corporation,)
MCI Metro Access Transmission) ORDER NO. PSC-97-0137-CFO-TP
Services, Inc., American) ISSUED: February 10, 1997
Communications Services, Inc.)
and American Communications)
Services of Jacksonville, 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.)

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION
AND MOTION FOR PROTECTIVE ORDER

On October 21, 1996, BellSouth Telecommunications, Inc., (BellSouth) filed a Request for Confidential Classification and Motion for Protective Order relating to portions of late filed deposition exhibits of Walter Reid and Keith Milner in Dockets Nos. 960833-TP, 960846-TP and 960916-TP, which are contained in Commission Document No. 11248-96 (cross-reference Commission Document No. 10503-96).

Section 119.01, Florida Statutes provides that documents submitted to governmental agencies shall be public records. The only exceptions are specific statutory exemptions. This law derives from the concept that government should operate in the "sunshine." It is this Commission's view that the burden to be met by one requesting confidential classification of documents submitted during a proceeding before us is very high.

Rule 25-22.006(4), Florida Administrative Code, provides that the utility must demonstrate how the information asserted to be confidential qualifies as one of the statutory exemptions to Section 119.07, Florida Statutes, as specified in Section 364.183(3), Florida Statutes. If no statutory exemption is applicable, the utility must demonstrate how the ratepayers or the utility's business operations will be harmed by disclosure. The burden of proof shall be on the utility to show that the material in question is bona fide proprietary confidential business information.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

ORDER NO. PSC-97-0137-CFO-TP
DOCKETS NOS. 960833-TP, 960846-TP, 960916-TP
PAGE 2

BellSouth states that witness Milner's and witness Reid's deposition exhibits contain vendor-specific prices negotiated by BellSouth as well as revenue and cost data, which it deems to be confidential proprietary business information. BellSouth asserts the disclosure of the information would impair its ability to compete and to contract for goods and services. BellSouth also alleges that it strives to keep this information secret.

Having reviewed the pleadings, I find that the information for which BellSouth requests confidential classification may be protected as proprietary confidential business information pursuant to the provisions of Section 364.183, Florida Statutes. Accordingly, BellSouth's request for confidential classification of Commission Document No. 11248-96 (cross-reference Commission Document No. 10503-96) is granted. Pursuant to Section 364.183(4), Florida Statutes, the information shall be classified as proprietary confidential business information for a period no longer than eighteen months from the issue date of this Order, unless the company shows, and the Commission finds, that the protection from disclosure shall be for a longer time. The classified information shall be returned to BellSouth in accordance with Section 364.183(4), Florida Statutes, and Rule 25-22.006(9), Florida Administrative Code.

Based on the foregoing, it is, therefore,

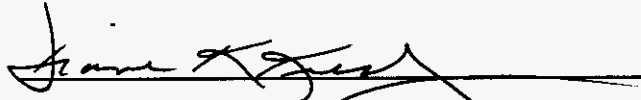
ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that the Request for Confidential Classification and Motion for Protective Order filed by BellSouth TeleCommunications, Inc. is granted. It is further

ORDERED that, in accordance with Section 364.183(4), Florida Statutes, and Rule 25-22.006(9), Florida Administrative Code, the confidentiality granted to the information specified herein shall expire eighteen months from the date of this Order in the absence of a renewed request for confidential classification. It is further

ORDERED that this Order shall be the sole notice of the expiration of confidentiality.

ORDER NO. PSC-97-0137-CFO-TP
DOCKETS NOS. 960833-TP, 960846-TP, 960916-TP
PAGE 3

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 10th day of February, 1997.



DIANE K. KIESLING, Commissioner
and Prehearing Officer

(S E A L)

CJP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 25-22.0376, 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.