

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-97-0956-CFO-TP
ISSUED: August 11, 1997

ORDER GRANTING BELL SOUTH TELECOMMUNICATIONS, INC.'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
FOR DOCUMENT NO. 11447-96

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. 11447-96.

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 seeks confidential treatment for the following pages:

Page	Line/Col. No.
1-5, 7-12	Cols. D-G
6	Cols. D,F
15	Col. E
16-41	Col. Price/Unit
42	Cols.B,D
43-47	Cols.D-G
48-52	Col.F
96-105	Col. Cost Per Foot
106	Col.F
107-111	Cols. G-I,K-N
112	Cols.D-L;M, Lines 326,329-331 347;Cols.N-S

Page	Line/Col. No.
113-115	Cols.E-S
116-118	Cols.E-L,N-T
121-125	Cols.G-J
126	Cols.G-K
129	Cols.F-H
130-137	Cols.D-H
138-164	Col.Price/Unit
172	Lines 29-37,39,40
173	Line 1;Cols.B-D,Lines 4-8, 11-13,16-20,23-31(marginalia), 33,34
174	Lines 5,23;Cols. A/B;Line 30; Cols.A-C;Line 39
175	Cols.A-C;Lines 18,19,34-40
176	Lines 7-9
186	Lines 6-11
210-212	Col.A
215	Cols.K-M
216	Cols.K-P
217	Cols.K-R
220-224	Cols.D,F-H
225	Cols.D,F,I
226,227	Cols.A,C,F,K-M
228-234	Cols.D,F,I
235	Cols.D,E
236	Cols.D,E
237,238	Cols.D,F,I
239-242,244	Cols.A,C,F,H,I,K,L
243	Cols.A,C,F,H,I
245	Cols.A,D,E
246	Cols.A,E,F
247-268,273-286	Col.B
296	Cols.A-D
297	Col.A
298	Col.C
302	Col.Level Invst.
309	Cols.A-F
310,312	Cols.F,H
311	Cols.E,G
744	Cols.A/B, Line 14
745	Cols.A/B, Line 16
749	Cols.A/B
750	Col.B
751,752	Col.A,Lines 4,6,7;Col.B
753,754	Col.A,Lines 4,9;Col.B
755,756	Col.B,Lines 3-5,8-10,20,21

Page	Line/Col. No.
757	Col.B, Lines 2, 3, 6-8, 12, 13, 16, 24, 28
758	Col.A, Lines 2, 3, 12; Col.F
759	Lines 27, 28; Col.B, Lines 5, 6 9, 10, 15, 16, 19, 21
760, 764	Col.B
761	Line 30, Col.B
763	Cols.A/B
765	Col.B, Lines 2, 3, 5, 15, 19, 20, 22, 32
766	Col.B, Lines 3, 4, 6, 12, 14, 15 17, 23, 25, 30, 34
767	Col.B, Lines 2, 4; Col.B
768	Col.A, Lines 2, 4, 7, 8, 11; Col.B
772, 776-780	Cols.A, F
775	Col.B

The information contained in this document contains unit cost and investment information for cable facilities, recurring and nonrecurring costs, and cost development for remote call forwarding and direct inward dialing, cost factors, and the methodology for conducting loop studies. BellSouth asserts that public disclosure of this information will impair the Company's ability to contract for goods and services on favorable terms since the information also contains vendor specific prices that were negotiated by BellSouth. According to BellSouth, public disclosure of information relating specifically to long run incremental costs will harm BellSouth by providing competitors with an advantage, especially when competitors are planning market entry, developing marketing strategies, and determining their pricing.

I am persuaded by BellSouth's argument. The information for which BellSouth seeks confidential treatment falls under Section 364.183(3)(e), Florida Statutes. The investment and cost information will provide a competitor with knowledge as to how low BellSouth can go in pricing its services. It gives the competitor additional knowledge regarding its own pricing strategies for providing similar facilities and services. Disclosure of cost and investment information would erode BellSouth's economic advantage. For these reasons confidential treatment is hereby granted.

Based upon the foregoing, it is

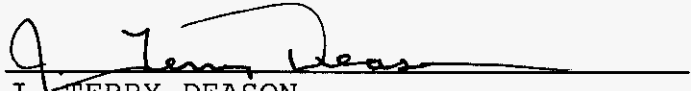
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ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s request for Confidential Classification for Document No. 11447-96 is granted.

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.

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),

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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.