

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cost recovery and
allocation issues for number
pooling trials in Florida.

DOCKET NO. 001503-TP
ORDER NO. PSC-03-0897-CFO-TP
ISSUED: August 6, 2003

ORDER GRANTING BELLSOUTH'S REQUEST FOR SPECIFIED CONFIDENTIAL
CLASSIFICATION FOR DOCUMENT NO. 12832-02

On September 29, 2000, this docket was established to address cost recovery and allocation issues for number pooling trials in Florida. On December 12, 2000, the Commission held a workshop. By Order No. PSC-02-0466-PAA-TP, issued April 5, 2002, (Consummating Order No. PSC-02-0590-CO-TP, issued April 30, 2002), we ordered that Commission-regulated carriers seeking recovery should file a petition with a cost recovery mechanism that would meet federal and state law and all supporting documents related to their cost analysis. On August 5, 2002, BellSouth Telecommunications, Inc. (BellSouth) filed its Petition for Cost Recovery in this docket.

On July 19, 2002, BellSouth filed its first Motion for Temporary Protective Order in connection with its responses to Florida Citizens' First Set of Requests for Production of Documents (PODs) dated May 29, 2002. By Order No. PSC-02-1066-PCO-TP, issued August 7, 2002, BellSouth's Motion was granted. On October 31, 2002, BellSouth filed revised responses to Citizens' First Set of Requests for PODs Nos. 1 through 5. Also, on October 31, 2002, BellSouth filed another Motion for Temporary Protective Order of its revised responses. By Order No. PSC-02-1686-PCO-TP, issued December 3, 2002, BellSouth revised request for Temporary Protection for its responses to Citizens' First Set of PODs was granted.

On November 21, 2002, BellSouth filed its Request for Specified Confidential Classification for its revised cost study (Document No. 12832-02), Item No. 1 of its response to Citizens' First Set of Request for PODs, which has been granted temporary protection as noted above. The revised cost study is considered proprietary to BellSouth. BellSouth states that the information contained in BellSouth's revised cost study includes vendor-

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specific pricing information and other confidential business information that could cause competitive harm to BellSouth.

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)(c), 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, in pertinent part, provides:

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 provides that the information will not be released to the public.

Based on the definition of proprietary confidential business information in Section 364.183(3), Florida Statutes, it appears that the material described herein is trade secret in accordance with Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. Disclosure of this information would give BellSouth's competitors an artificial competitive advantage, allowing them to successfully compete against BellSouth without the usual market trial and error. As such, BellSouth's Request for Specified Confidential Classification of Document No. 12832-02 is hereby granted.

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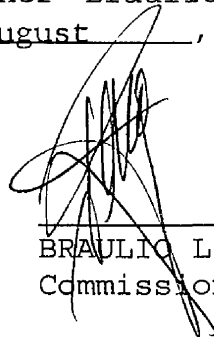
Based on the foregoing, it is

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Request for Specified Confidential Classification of Document No. 12832-02, its revised cost-study, as set forth in Attachment A, is hereby 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 Braulio L. Baez, as Prehearing Officer, this 6th day of August, 2003.

 for Braulio L. Baez

BRAULIO L. BAEZ
Commissioner and Prehearing Officer

(S E A L)

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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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 the Commission Clerk and Administrative Services, 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.

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ATTACHMENT A

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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S REVISED
RESPONSE TO CITIZENS' FIRST REQUEST FOR PRODUCTION, ITEM NO. 1
FILED ON OCTOBER 31, 2002 IN FLORIDA PUBLIC SERVICE
COMMISSION DOCKET 001503-TP**

Explanation of Proprietary Information

- A. The information contained in Exhibit "A" to BellSouth's Petition for Cost Recovery is a cost study that includes vendor-specific pricing information, confidential business information and customer proprietary information that is considered proprietary to BellSouth. Disclosure of this information would cause competitive harm to BellSouth. Therefore, this information should be classified as proprietary, confidential business information pursuant to Section 364.183, Florida Statutes and is exempt from the Open Records Act.



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ATTACHMENT A

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LOCATION

Entire Proprietary CD Rom

BASIS FOR REQUEST

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