

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition by Verizon Florida Inc. to reform intrastate network access and basic local telecommunications rates in accordance with Section 364.164, Florida Statutes.

DOCKET NO. 030867-TL

In re: Petition by Sprint-Florida, Incorporated to reduce intrastate switched network access rates to interstate parity in revenue-neutral manner pursuant to Section 364.164(1), Florida Statutes.

DOCKET NO. 030868-TL

In re: Petition for implementation of Section 364.164, Florida Statutes, by rebalancing rates in a revenue-neutral manner through decreases in intrastate switched access charges with offsetting rate adjustments for basic services, by BellSouth Telecommunications, Inc.

DOCKET NO. 030869-TL

In re: Flow-through of LEC switched access reductions by IXCs, pursuant to Section 364.163(2), Florida Statutes.

DOCKET NO. 030961-TI

ORDER NO. PSC-04-0258-CFO-TL

ISSUED: March 8, 2004

ORDER GRANTING BELLSOUTH'S REQUESTS FOR SPECIFIED CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO. 12709-03 (X-REFERENCE DOCUMENT NOS. 08022-03 AND 09412-03) AND DOCUMENT NO. 12700-03 (X-REFERENCE DOCUMENT NOS. 11683-03, 11684-03, 11685-03)

BY THE COMMISSION:

The Florida Legislature enacted the Tele-Competition Innovation and Infrastructure Enhancement Act (Tele-Competition Act or Act) which became effective on May 23, 2003. On August 27, 2003, BellSouth Telecommunications, Inc. (BellSouth), Verizon Florida Inc. (Verizon), and Sprint-Florida, Incorporated (Sprint), each filed petitions pursuant to Section 364.164, Florida Statutes. Docket Nos. 030867-TL (Verizon), 030868-TL (Sprint), and 030869-TL (BellSouth) were opened to address these petitions in the time frame provided by Section 364.164, Florida Statutes. On September 4, 2003, the Order Establishing Procedure and Consolidating Dockets for Hearing, Order No. PSC-03-0994-PCO-TL, was issued. At the September 15, 2003, Agenda Conference, the Commission decided to hold public hearings in the above-referenced dockets. On November 4, 2003, Order No. PSC-03-1240-PCO-TL was

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FPSC-COMMISSION CLERK

issued, consolidating Docket No. 030961 into this Docket and modifying certain procedures therein.

On December 9, 2003, BellSouth filed a request for confidential classification. In its request, BellSouth seeks confidential classification of information contained in the revised Exhibit SB1 and SB2, exhibits attached to BellSouth witness Steven Bigelow's direct testimony (all included in Document No. 12709-03)(x-reference Document Nos. 08022-03 and 09412-03)(See Attachment A). Further, BellSouth is requesting confidential classification of the rebuttal testimony of witness Steve Bigelow and John Ruscilli as well as the Exhibit WSB-1 of the rebuttal testimony of witness Bernard Shell, (Document No. 12700-03) (x-reference Document Nos. 11683-03, 11684-03, 11685-03) (See Attachment A). Attachment A, attached hereto and incorporated herein, outlines the location and specific justification for the request addressed herein. BellSouth asserts that the public disclosure of this information would cause competitive harm to BellSouth and provide competitors with an unfair advantage.

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 forth 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 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.

Upon inspection, based on the definition of proprietary confidential business information in Section 364.183(3), Florida Statutes, it appears that the material contained in these documents is proprietary business information 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

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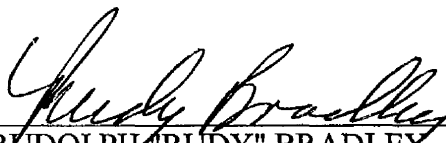
compete against BellSouth without the usual market trial and error. As such, BellSouth's Requests for Specified Confidential Classification of the documents identified in Attachment A are hereby granted.

ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Requests for Specified Confidential Classification of Document No. 12709-03 (x-reference Document Nos. 08022-03 and 09412-03) and Document No. 12700-03 (x-reference Document Nos. 11683-03, 11684-03, 11685-03), as set forth in the body of this Order and also in Attachment A, which is incorporated herein by reference, are 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 material 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 Rudolph "Rudy" Bradley, as Prehearing Officer, this 8th day of March, 2004.


RUDOLPH "RUDY" BRADLEY
Commissioner and Prehearing Officer

(SEAL)

FRB

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

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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

BellSouth Telecommunications, Inc.
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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF REVISED EXHIBITS SB-1
AND SB-2 TO THE DIRECT TESTIMONY OF STEVE BIGELOW FILED IN
BELLSOUTH'S PETITION FOR IMPLEMENTATION OF SECTION 364.164
FLORIDA STATUTES, BY REBALANCING RATES IN A REVENUE-NEUTRAL
MANNER IN DOCKETS 030867-TL, 030868-TL, 030869-TL and 030961-TI**

Explanation of Proprietary Information

1. This information reflects BellSouth's cost to provide certain services. The public disclosure of this information would provide BellSouth's competitors with an advantage in that they would know the price or rate below which BellSouth could not provide the service. BellSouth is not able to obtain its competitors' costs to provide service. Therefore, it would be inequitable and unfair for BellSouth's competitors to have access to BellSouth's cost information. For these reasons, the public disclosure of the information would impair the competitive business of BellSouth, and the information is, therefore, entitled to confidential classification under the terms of Florida Statutes, Section 364.183(3)(e). This information is valuable and is used by BellSouth in conducting its business and BellSouth strives to keep it secret. 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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LOCATION

REASON

BIGELOW'S EXHIBITS

REVISED EXHIBIT SB1

Page 1 of 13 through 5 of 13, Column 4, 5,10, 11, & 12	1
Page 8 of 13 , column 4, 5,10, 11, 12	1
Page 11 of 13, column 4,5, 10, 11, 12	1

REVISED EXHIBIT SB2

Pages 1 of 13 – Page 5 of 13, Column 4, 5 10, 11, & 12	1
Page 8 of 13, Column 4, 5 10, 11, & 12	1
Page 11 of 13, Column 4,5 ,10, 11, 12	1

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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF THE REBUTTAL
TESTIMONY OF STEVE BIGELOW, JOHN A. RUSCILLI, AND FOR EXHIBIT WBS-1
OF W. BERNARD SHELL'S REBUTTAL TESTIMONY FILED IN FPSC DOCKETS
030867-TL, 030868-TL, 030869-TL, AND 030961-TI ON NOVEMBER 19, 2003.**

Explanation of Proprietary Information

1. This information reflects BellSouth's cost to provide certain services. The public disclosure of this information would provide BellSouth's competitors with an advantage in that they would know the price or rate below which BellSouth could not provide the service. BellSouth is not able to obtain its competitors' costs to provide service. Therefore, it would be inequitable and unfair for BellSouth's competitors to have access to BellSouth's cost information. For these reasons, the public disclosure of the information would impair the competitive business of BellSouth, and the information is, therefore, entitled to confidential classification under the terms of Florida Statutes, Section 364.183(3)(e). This information is valuable and is used by BellSouth in conducting its business and BellSouth strives to keep it secret. 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.
2. This information reflects BellSouth's market strategy relating to its competitive marketing position. Specifically, this information discusses, describes and evaluates BellSouth's potential strategic responses to various competitive scenarios; BellSouth's competitors can use this information to develop their own market strategy with which to thwart BellSouth's effort in this market. Thus, the disclosure of this information to BellSouth's competitors would impair BellSouth's ability to compete and is entitled to confidential classification pursuant to Section 364.183(3)(a) and (3)(e), Florida Statutes. In addition, this information is valuable as it is used by BellSouth in conducting its business and BellSouth strives to keep it secret. Therefore, this information is a trade secret which should be classified as proprietary, confidential business information exempt from the Open Records Act.

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<u>LOCATION</u>	<u>REASON</u>
<u>BIGELOW'S TESTIMONY</u>	
Page 2, Lines 14, 15	1, 2
Page 3, Lines 4, 6, & 7	1, 2
<u>RUSCILLI'S TESTIMONY</u>	
Page 10, Lines 14 & 16	1, 2
<u>EXHIBIT WBS-1</u>	
Lines 1-13, Columns D, E, & F	1