

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Matter of the)
Interconnection Agreement)
Negotiations Between AT&T) Docket No. 960833-TP
Communications of The)
Southern States, Inc. and)
BellSouth Telecommunications,) Filed: August 21, 1996
Inc. Pursuant to 47 U.S.C.)
§ 252)
_____)

BELLSOUTH TELECOMMUNICATIONS, INC.'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
AND MOTION FOR PERMANENT PROTECTIVE ORDER

COMES NOW BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to Rule 25-22.006, Florida Administrative Division Code, and files its Request for Confidential Classification and Motion for Permanent Protective Order for the Attachments to the testimony of Wayne Ellison filed on July 31, 1996 in the above captioned matter.

1. BellSouth is filing its Request for Confidential Classification for the Ellison Attachments because it deems the information requested to be confidential and proprietary business information in that it reflects cost studies of various unbundled elements, such as loops and ports. Since competitors who will offer local services can use this information as a resource, disclosure of this information would impair BellSouth's ability to compete.

2. BellSouth has appended to this Request for Confidential Classification as Attachment A a listing showing the location in the response of the information designated by BellSouth as confidential.

3. Appended hereto in an envelope designated as Attachment

DOCUMENT NUMBER-DATE
08870 AUG 21 1996
FPSC-RECORDS/REPORTING

B is one copy of the response with the confidential information deleted.

4. Attached as Attachment C is a sealed envelope containing one copy of the response with the material which is confidential and proprietary. Copies of Attachment C are not being served on the other parties in this proceeding.

5. Regarding Ellison's Attachments, this information is entitled to proprietary confidential classification for two reasons. First, the documents contain actual unit cost information for discrete cost elements. 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. The data is valuable to competitors and potential competitors in formulating strategic plans for entry, pricing, marketing, and overall business strategies concerning access services. This same information on competitors is not available to BellSouth. This information is valuable and is used by BellSouth in conducting its business. Section 364.183(e), Florida Statutes, expressly considers as proprietary confidential business information any information relating to competitive business of the provider. The information contained in Ellison's Attachments, as more specifically described above, meets the statutory criteria, and should therefore be afforded confidential classification.

6. Second, the documents contain vendor-specific contractual and other information. This information is entitled

to confidential classification pursuant to Section 364.183(3) and (3)(d), Florida Statutes. The workpapers contain references to vendor-specific pricing negotiated by BellSouth. Public disclosure of this information would impair the Company's ability to contract for similar goods and services in the future on favorable terms. BellSouth often has opportunities to negotiate bulk discounts or other favorable pricing with its vendors. These vendors require that the terms of these contractual arrangements be kept confidential in order to avoid undue pressure from other customers to reduce prices or to give them similar terms and conditions in their contacts. Through public disclosure of such contractual information, these vendors providing crucial products and services to BellSouth could likely react by increasing BellSouth's prices or adversely changing favorable terms and conditions rather than lowering all other potential customers' prices for similar services or products or providing similar contractual arrangements enjoyed by BellSouth. Also, if vendor-specific information were subject to public disclosure, these vendors may withhold valuable information regarding proprietary product or service capabilities which must be available for proper evaluation by BellSouth to fully analyze proposals from vendors in future negotiations. Moreover, if other vendors had access to the prices BellSouth is currently paying for its services, such vendors would be in an unfair bargaining position relative to BellSouth in future contract negotiations. Any of these results would cause harm to BellSouth

in its operations and could tend to increase the Company's cost of doing business which, in turn, would be harmful to BellSouth's ratepayers. Thus, Section 364.183(3)(d), Florida Statutes provides that this information is proprietary confidential business information exempt from the public inspection and examination provisions of Section 119.07(1), Florida Statutes. Finally, pursuant to private agreements entered into with its vendors, BellSouth is under an obligation not to release this information to the public. Section 364.183(3), Florida Statutes, specifically provides that proprietary confidential business information includes information possessed by the Company which is subject to existing non-disclosure agreements with third parties, which if released, could be harmful to the Company.

7. BellSouth has treated and intends to continue to treat the material for which confidential classification is sought as private, and this information has not been generally disclosed.

WHEREFORE, based on the foregoing, BellSouth moves the Commission to enter an order declaring the information described above and contained in the indicated portions of the Ellison Attachments to be confidential proprietary business information, and thus not subject to public disclosure.

Respectfully submitted this 21st day of August, 1996.

BELLSOUTH TELECOMMUNICATIONS, INC.

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CERTIFICATE OF SERVICE
DOCKET NO. 960833-TP
DOCKET NO. 960846-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Federal Express this 21st day of August, 1996 to the following:

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Attachment A

FPSC DOCKET 960833-TP LERMA AND ELLISON ATTACHMENTS PROPRIETARY COST INFORMATION

LOCATION OF THE PROPRIETARY INFORMATION

<u>PAGE NO.</u>	<u>LINE/COLUMN NUMBER</u>	<u>REASON</u>
ELLISON EXHIBIT WE-1		
1-6	BellSouth Cost Results Amounts and and AT&T Cost Adjustment Amount and BellSouth Cost After Adjustment Amount and Recommended Rate.	A/B
7	BellSouth Cost Results Amounts and and AT&T Cost Adjustment Amount and BellSouth Cost After Adjustment Amount and Recommended Rate and Notes 3F.	A
8	Note 3G.	A
ELLISON EXHIBIT WE-4		
1	Numbers in I. A-K and II. A-I and Note:.	A
ELLISON EXHIBIT WE-5		
1	Numbers under Amount	A