

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against BellSouth Telecommunications, Inc. for violation of service standards.

DOCKET NO. 991378-TL
ORDER NO. PSC-01-1477-CFO-TL
ISSUED: July 16, 2001

ORDER GRANTING BELLSOUTH TELECOMMUNICATIONS, INC.'S REQUEST
FOR CONFIDENTIAL CLASSIFICATION

On June 21, 2001, BellSouth Telecommunications, Inc. (BellSouth) filed a Request for Confidential Classification (Request) pursuant to Rule 25-22.006, Florida Administrative Code. The request sought confidential classification of information in Exhibit Nos. REP-6, REP-18, REP-19, REP-20, REP-21, REP-25, REP-26, REP-27, REP-29, REP-39, REP-40 and REP-42 to R. Earl Poucher's Direct and Surrebuttal Testimony. Attachment A contains an explanation of the proprietary information along with a list that identifies the location of the information designated by BellSouth as confidential. By notice dated July 10, 2001, BellSouth deleted REP-6, page 23, paragraph 1a from the list of information designated by BellSouth as confidential.

Pursuant to Section 119.01, Florida Statutes, documents submitted to this Commission are public records. The only exceptions to this law are specific statutory exemptions and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision.

Under Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the utility has the burden of demonstrating that the materials qualify for confidential classification. Rule 25-22.006 requires the utility to meet this burden by demonstrating that the information is proprietary confidential business information, the disclosure of which will cause the utility or its ratepayers harm.

As to all of the information listed in Attachment A, BellSouth asserts that disclosure of the business plans, forecasts, practices, procedures and other confidential business information therein would damage BellSouth's competitive interests. As to REP-

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39, BellSouth makes the additional claim that disclosure of the marketing strategy materials therein would also harm BellSouth's competitive interests. Such materials are specifically identified as being protected from disclosure pursuant to Section 364.183(3)(e), Florida Statutes:

Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

These materials have been examined and have been found to fit within that statutory definition.

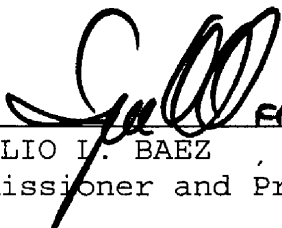
In view of the above, it is hereby

ORDERED that BellSouth's Request for Confidential Classification of the materials listed in Attachment A is 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 16th day of July, 2001.



BRAULIO L. BAEZ
Commissioner and Prehearing Officer

(S E A L)

RCB

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), 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.

ATTACHMENT A

**BellSouth Telecommunications, Inc.
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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF EXHIBITS CONTAINING
BELLSOUTH'S INFORMATION FILED AS EXHIBITS TO THE DIRECT AND
SURREBUTTAL TESTIMONY OF R. EARL POUCHER ON DECEMBER 8, 2000 AND
MARCH 22, 2001, RESPECTIVELY IN FLORIDA DOCKET NO. 991378-TL**

Explanation of Proprietary Information

1. The subject information concerns includes BellSouth's business plans, forecasts, practices and procedures developed by BellSouth, and other confidential business information. Public disclosure of this information would harm BellSouth's business operations because it would damage the competitive interests of BellSouth. Pursuant to Section 364.183, Florida Statutes, such information is classified as proprietary, confidential business information which is exempt from Section 119.07(1) and Section 24(a), Art. 1 of the State Constitution.
2. This information reflects BellSouth's marketing strategy relating to it's competitive marketing position. Specifically, this information discusses, describes and evaluates BellSouth's potential strategic responses to various competitive scenarios; sets forth and evaluates underlying components of specific competitive proposals along with supporting rationale such as results of market research and analysis. 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 compete and is entitled to confidential classification pursuant to Section 364.183, Florida Statutes.

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BASIS

EXHIBIT REP-6 Pages 4 through 23 (except p. 23, para.1a)	1
Exhibit REP-18, Entire Document	1
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ATTACHMENT A

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