

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into  
pricing of unbundled network  
elements.

DOCKET NO. 990649-TP  
ORDER NO. PSC-01-2491-CFO-TP  
ISSUED: December 21, 2001

ORDER GRANTING REQUESTS FOR CONFIDENTIAL TREATMENT  
OF DOCUMENT NOS. 09079-00 (CROSS-REFERENCED DOCUMENT NO. 08201-  
00), 09050-00 (CROSS-REFERENCED DOCUMENT NO. 08148-00), 08684-00  
(CROSS-REFERENCED DOCUMENT NO. 07823-00), AND 10477-00

On December 10, 1998, in Docket No. 981834-TP, the Florida Competitive Carriers Association (FCCA), the Telecommunications Resellers, Inc. (TRA), AT&T Communications of the Southern States, Inc. (AT&T), MCIMetro Access Transmission Services, LLC (MCIMetro), WorldCom Technologies, Inc. (WorldCom), the Competitive Telecommunications Association (Comptel), MGC Communications, Inc. (MGC), Intermedia Communications Inc. (Intermedia), Supra Telecommunications and Information Systems (Supra), Florida Digital Network, Inc. (Florida Digital Network), and Northpoint Communications, Inc. (Northpoint) (collectively, "Competitive Carriers") filed their Petition of Competitive Carriers for Commission Action to Support Local Competition in BellSouth's Service Territory. Among other matters, the Competitive Carriers' Petition asked that this Commission set deaveraged unbundled network element (UNE) rates.

On May 26, 1999, this Commission issued Order No. PSC-99-1078-PCO-TP, granting in part and denying in part the Competitive Carriers' petition. Specifically, the Commission granted the request to open a generic UNE pricing docket for the three major incumbent local exchange providers, BellSouth Telecommunications, Inc. (BellSouth), Sprint-Florida, Incorporated (Sprint), and GTE Florida Incorporated (GTEFL). Accordingly, this docket was opened to address the deaveraged pricing of UNEs, as well as the pricing of UNE combinations and nonrecurring charges.

By Order No. PSC-99-1397-PCO-TP, issued July 20, 1999, the procedures for this docket were established and the controlling dates set. A Second Revised Order on Procedure, Order No. PSC-00-0540-PCO-TP, was issued on March 16, 2000, which set forth new filing dates and also the newly refined issues to be addressed in this proceeding. By Order No. PSC-00-2015-PCO-TP, issued June 8, 2000, the filing dates were extended and the procedure for this

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case was further modified. Pursuant to these Orders, Phase I was set for hearing July 17-19, 2000, and Phase II was set for hearing September 19-22, 2000.

On July 18, 2000, BellSouth filed a Request for Confidential Classification of its Supplemental Responses to Staff's Sixth Request for Production of Documents, Item Nos. 21, 22, and 27 (Document No. 08684-00 and cross-referenced Document No. 07823-00), which BellSouth contends contains vendor-specific pricing, customer proprietary information, and confidential business information. BellSouth contends that the release of this information would provide its competitors with an unfair advantage in future negotiations, that it has not otherwise been disclosed, and that BellSouth treats this information as confidential.

On July 26, 2000, BellSouth filed a Request for Confidential Classification of its Responses to Staff's Seventh Request for Production of Documents, Nos. 31 and 38 (Document No. 09050-00 and cross-referenced Document No. 08148-00). BellSouth contends that the information contained in these responses pertains to BellSouth's business strategies, identifies vendor-specific prices, and provides competitive business information. BellSouth contends that release of this information would provide its competitors with an unfair business advantage and would impair BellSouth's ability to contract for goods and services on favorable terms. BellSouth emphasizes that it treats this information as confidential and that it has not otherwise been disclosed.

On July 27, 2000, BellSouth filed a Request for Confidential Classification of its Supplemental Responses to Staff's Sixth Request for Production of Documents, Item No. 27 (Document No. 09079-00 and cross-reference Document No. 08201-00). Similarly, BellSouth argues that this response contains vendor-specific pricing, customer proprietary information, and confidential business information. BellSouth contends that the release of this information would provide its competitors with an unfair advantage in future negotiations, that it has not otherwise been disclosed, and that BellSouth treats this information as confidential.

On September 21, 2000, BellSouth filed a Supplemental Request for Confidential Classification of its response to the Coalition's Request for Production of Documents No. 1 (Document No. 10477-00),

which it alleges contains the same information for which it requested confidential classification in the requests identified above. Again, BellSouth generally contends that this response contains vendor-specific pricing, customer proprietary information, and confidential business information. BellSouth contends that the release of this information would provide its competitors with an unfair advantage in future negotiations, that it has not otherwise been disclosed, and that BellSouth treats this information as confidential.

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.

Specifically, as it pertains to Staff's Sixth Request for Production of Documents, Nos. 21, 22, and 27, BellSouth contends that the information contained in the responses at the pages, lines and columns identified in Attachment A to this Order, which is attached and incorporated herein, should be granted confidential treatment for the specific reasons identified in Attachment A. I note that BellSouth has indicated in its request that part of its rationale for seeking confidential classification of the information in response to Item 27 is the same as that contained in its Request for Confidential Classification of its Response to Staff's Fifth Request for Production of Documents, No. 16, which confidential classification was granted by Order No. PSC-00-1286-CFO-TP, issued July 17, 2000.

Regarding its responses to Staff's Seventh Request for Production of Documents, Nos. 31 and 38, BellSouth asks for confidential treatment of the pages and lines identified in Attachment B to this Order, which is attached and incorporated herein, for the reasons set forth in that Attachment.

As for its Request regarding its Supplemental Response to Staff's Sixth Request for Production of Documents, No. 27, BellSouth contends that the information at the pages and in the lines and columns identified in Attachment C, which is attached and incorporated herein, should be granted confidential classification, because it is all competitive market information that, if released, would damage the competitive interests of BellSouth.

Finally, in its Supplemental Request for Confidential Classification of its response to the Coalition's Request for Production of Documents, No. 1, BellSouth asks for protection of the information in the pages, lines, and columns identified in Attachment D to this Order, which is attached and incorporated herein, for the specific reasons set forth in that Attachment.

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 proprietary business information in accordance with Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. Disclosure of this information could be detrimental to BellSouth's operations, could impair BellSouth's ability to compete, and its ability to contract for goods and services. As such, BellSouth's Requests for Confidential Classification regarding Document Nos. 09079-00 (cross-referenced Document No. 08201-00), 09050-00 (cross-

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referenced Document No. 08148-00), 08684-00 (cross-referenced Document No. 07823-00), and 10477-00 are hereby granted.

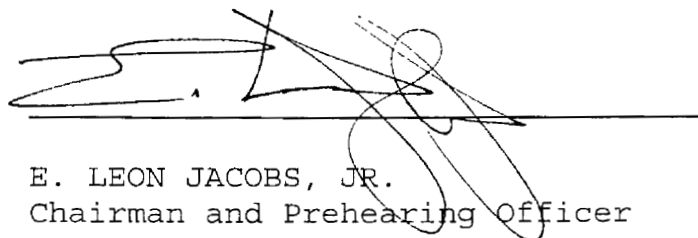
Based on the foregoing, it is therefore

ORDERED by Chairman E. Leon Jacobs, Jr., as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Requests for Specified Confidential Classification filed on July 18, 2000, July 26, 2000, July 27, 2000, and September 21, 2000, addressing Document Nos. 09079-00 (cross-referenced Document No. 08201-00), 09050-00 (cross-referenced Document No. 08148-00), 08684-00 (cross-referenced Document No. 07823-00), and 10477-00 are hereby granted.

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the confidentiality granted to the material specified herein shall expire eighteen (18) months from the date of the issuance of this Order, in the absence of a renewed request for confidentiality pursuant to Section 364.183, Florida Statutes. 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 Chairman E. Leon Jacobs, Jr. as Prehearing Officer, this 21st Day of December, 2001.



E. LEON JACOBS, JR.  
Chairman 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.

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.

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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S  
RESPONSE TO STAFF'S SIXTH REQUEST FOR PRODUCTION OF  
DOCUMENTS (POD NOs. 21, 22 and 27) FILED JUNE 27, 2000 IN FLORIDA  
DOCKET NO. 990649-TP**

**Explanation of Proprietary Information**

1. The information requested concerns competitive business information and/or includes the average call volume per customer. If this information were disclosed publicly, it would damage the competitive interests of BellSouth. Accordingly, this information is entitled to confidential classification pursuant to Florida Statutes Section 364.183(3)(e).
2. This information reflects BellSouth's business strategies. BellSouth's competitors can use this information to develop their own business strategies. 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.
3. This subject information includes BellSouth's business plans, forecasts and other confidential business information of BellSouth. If this information were disclosed publicly, it would damage the competitive interests of BellSouth. Accordingly, this information is entitled to confidential classification pursuant to Florida Statutes Section 364.183(3)(e).

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**Explanation of Proprietary Information**

4. This information contains competitive marketing information. This information if released would damage the competitive interests of BellSouth. Accordingly, this information is entitled to confidential classification pursuant to Florida Statutes Section 364.183(3)(e).
5. This information reflects vendor specific prices negotiated by BellSouth. Public disclosure of this information would impair BellSouth's ability to contract for goods and services on favorable terms. The second category of vendor specific information constituting a trade secret is that which is proprietary to Telcordia. BellSouth is contractually bound by an agreement with Telcordia to treat it as such. This information is valuable, it is used by BellSouth in conducting its business and BellSouth strives to keep it secret. Therefore, such information is a trade secret which should be classified as proprietary, confidential business information pursuant to Section 364.183, Florida Statutes and is exempt from the Open Records Act.
6. This information contains actual unit cost information for discrete cost elements for the item under study. These costs reflect BellSouth's long run incremental cost of providing these elements on a going forward basis. 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, it is used by BellSouth in conducting its business and classified as proprietary, confidential business information pursuant to Section 364.183, Florida Statutes and is exempt from the Open Records Act.



**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELL SOUTH'S  
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**STAFF'S POD NO 21**

<u>Page</u>	<u>Location</u>	<u>Reason</u>
1	Line 3 Total Charges Column	1 1
2	Total Charges Column	1
3	Line 8 Columns 6210, 6220, 6230, 6724, and Total	1 1
4	Total Charges Column	1
5	Total Charges Column	1

**STAFF'S POD NO 22**

<u>Document</u>	<u>Location</u>	<u>Reason</u>
Attachment A, 1 of 5	Columns Year 1999, Year 2000, Year 2001, Year 2002	3
Attachment A, 2 of 5	Columns Year 1999, Year 2000, Year 2001, Year 2002	3
Attachment A, page 4 of 5	Columns A, B, D	3
Attachment A, page 5 of 5	Columns A, B, D	3

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**STAFF'S POD NO 27**

**BellSouth's Response to AT&T's 1<sup>st</sup> Set of Interrogatories**

<u>Document</u>	<u>Location</u>	<u>Reason</u>
Interrogatory No. 36	RESPONSE	1
Interrogatory No. 44	Entire Document	2

**BellSouth's Response to AT&T's 1<sup>st</sup> Request for Production of Documents**

Please refer to the Request for Confidential Classification of BellSouth's Response to Staff's Fifth Request for Production of Documents (POD NO. 16) filed May 30, 2000 in Florida Docket No. 990649-TP.

**BellSouth's Response to AT&T's 2<sup>nd</sup> Request for Production of Documents**

<u>Document</u>	<u>Location</u>	<u>Reason</u>
POD No. 32	Page 2, Entire Page	3
POD No. 33	Page 5	6
	Lines 12, 13, 17 / Column C	
	Page 6	6
	Amount Column	

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**STAFF'S POD NO 27 (Cont.)**

POD No. 37	Page 9 a=, b=, Columns FP Ratio, %Fiber, %Copper	4
	Page 10 Lines 2-5 Columns B-J	4
	Page 11 Columns B-I	4
	Page 12 Columns B-E	4
	Page 13 Columns B-E Note 1, Note 2	4
	Page 14 Line 1, Columns A-E Note 1	4

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELL SOUTH'S  
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DOCUMENTS (POD NOs. 21, 22 and 27) FILED JUNE 27, 2000 IN FLORIDA  
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**STAFF'S POD NO 27 (Cont.)**

POD No. 37 (Cont.)

Page 15 4  
Line 6, Columns Dt, Dm  
Dc, Q, R, S, T, U, IOF & Loop  
Note 1, Note 2

Page 16 4  
=c, =g, =s, =a, =b, =sr  
Columns A-F

Page 17 4  
Columns A-D, F  
Lines 2-7, 9-25

Page 18 4  
=c, =g, =s, =a, =b, =sr  
Columns A-F  
Lines 2-8, 10-22

Page 19 4  
=c, =g, =s, =a, =b, =sr  
Columns A-F  
Lines 2-8, 10-28

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**STAFF'S POD NO 27 (Cont.)**

BellSouth's Response to AT&T's 3<sup>rd</sup> Request for Production of Documents

<u>Document</u>	<u>Location</u>	<u>Reason</u>
POD No. 50	Entire Document	1

Rhythms Links' First Request for Production of Documents

<u>Document</u>	<u>Location</u>	<u>Reason</u>
POD No. 2	Entire Document	2
POD No. 3	Entire Document	5,6
POD No. 14	Entire Document	2
POD No. 17	Entire Document	2
POD No. 32	Entire Document	2

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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S  
RESPONSE TO STAFF'S SEVENTH REQUEST FOR PRODUCTION OF  
DOCUMENTS (POD NOs. 31and 38) FILED JULY 5, 2000 IN FLORIDA  
DOCKET NO. 990649-TP**

**Explanation of Proprietary Information**

1. This information reflects BellSouth's business strategies. BellSouth's competitors can use this information to develop their own business strategies. 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.
2. This information contains vendor specific information, and/or, vendor specific prices negotiated by BellSouth. Public disclosure of this information would impair BellSouth's ability to contract for goods and services on favorable terms. This information is valuable, it is used by BellSouth in conducting its business and BellSouth strives to keep it secret. Therefore, such information is a trade secret which should be classified as proprietary, confidential business information exempt from the Open Records Act.
3. This information contains competitive business information. This information if released would be unfair to BellSouth for it would allow the competition to have free access to information which was developed at an expense to BellSouth. Competitors would then have an advantage in bidding for such business since they would have few, if any, expenses such as research and development to recover, and would bid below BellSouth's cost level. Accordingly, this information is entitled to confidential classification pursuant to Florida Statutes Section 364.183.

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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S  
RESPONSE TO STAFF'S SEVENTH REQUEST FOR PRODUCTION OF  
DOCUMENTS (POD NOs. 31 and 38) FILED JULY 5, 2000 IN FLORIDA  
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**STAFF'S POD NO. 31**

<u>Document</u>	<u>Location</u>	<u>Reason</u>
POD No. 31	Entire Document	1

**STAFF'S POD NO. 38**

AT&T's Fourth Request for Production of Documents

<u>Document</u>	<u>Page/Location</u>	<u>Reason</u>
POD No. 57	Pages 5-11, Entire Page	3
	Page 16, Lines 2-8	2

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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELL SOUTH'S  
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PRODUCTION OF DOCUMENTS (POD NO. 27) FILED JULY 6, 2000 IN  
FLORIDA DOCKET NO. 990649-TP**

**STAFF'S POD NO 27**

BellSouth's Response to AT&T's 2<sup>nd</sup> Request for Production of Documents

<u>Document</u>	<u>Page/Location</u>	<u>Reason</u>
POD No. 37	Page 1 a=, b=, Columns FP Ratio, %Fiber, %Copper	1
	Page 2 Lines 2-5 Columns B-J	1
	Page 3 Columns B-I	1
	Page 4 Columns B-E	1
	Page 5 Columns B-E Note 1, Note 2	1
	Page 6 Line 1, Columns A-E Note 1	1



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**STAFF'S POD NO 27 (Cont.)**

<u>Document</u>	<u>Page/Location</u>	<u>Reason</u>
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POD No. 37 (Cont.)

	Page 7 Line 6, Columns Dt, Dm Dc, Q, R, S, T, U, IOF & Loop Note 1, Note 2	1
	Page 8 =c, =g, =s, =a, =b, =sr Columns A-F	1
	Page 9 Columns A-D, F Lines 2-8, 10-24	1
	Page 10 =c, =g, =s, =a, =b, =sr Columns A-F Lines 2-8, 10-21	1
	Page 11 =c, =g, =s, =a, =b, =sr Columns A-F Lines 2-8, 10-23	1

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**ATTACHMENT D**

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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S  
RESPONSE TO THE COALITION'S FIRST FOR PRODUCTION OF  
DOCUMENTS (POD NO. 1) FILED AUGUST 31, 2000 IN FLORIDA DOCKET  
NO. 990649-TP**

**BellSouth Telecommunications, Inc.**  
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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S  
RESPONSE TO STAFF'S SIXTH REQUEST FOR PRODUCTION OF  
DOCUMENTS (POD NO. 27) FILED JUNE 27, 2000 IN FLORIDA DOCKET NO.  
990649-TP**

**Explanation of Proprietary Information**

1. The information requested concerns competitive business information and/or includes the average call volume per customer. If this information were disclosed publicly, it would damage the competitive interests of BellSouth. Accordingly, this information is entitled to confidential classification pursuant to Florida Statutes Section 364.183(3)(e).
2. This information reflects BellSouth's business strategies. BellSouth's competitors can use this information to develop their own business strategies. 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.
3. This subject information includes BellSouth's business plans, forecasts and other confidential business information of BellSouth. If this information were disclosed publicly, it would damage the competitive interests of BellSouth. Accordingly, this information is entitled to confidential classification pursuant to Florida Statutes Section 364.183(3)(e).

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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S  
RESPONSE TO STAFF'S SIXTH REQUEST FOR PRODUCTION OF  
DOCUMENTS (POD NO. 27) FILED JUNE 27, 2000 IN FLORIDA DOCKET NO.  
990649-TP**

**Explanation of Proprietary Information**

4. This information contains competitive marketing information. This information if released would damage the competitive interests of BellSouth. Accordingly, this information is entitled to confidential classification pursuant to Florida Statutes Section 364.183(3)(e).
5. This information reflects vendor specific prices negotiated by BellSouth. Public disclosure of this information would impair BellSouth's ability to contract for goods and services on favorable terms. The second category of vendor specific information constituting a trade secret is that which is proprietary to Telcordia. BellSouth is contractually bound by an agreement with Telcordia to treat it as such. This information is valuable, it is used by BellSouth in conducting its business and BellSouth strives to keep it secret. Therefore, such information is a trade secret which should be classified as proprietary, confidential business information pursuant to Section 364.183, Florida Statutes and is exempt from the Open Records Act.
6. This information contains actual unit cost information for discrete cost elements for the item under study. These costs reflect BellSouth's long run incremental cost of providing these elements on a going forward basis. 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, it is used by BellSouth in conducting its business and 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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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S  
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DOCUMENTS (POD NO. 27) FILED JUNE 27, 2000 IN FLORIDA DOCKET  
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**STAFF'S POD NO 27**

BellSouth's Response to AT&T's 1<sup>st</sup> Set of Interrogatories

<u>Document</u>	<u>Location</u>	<u>Reason</u>
Interrogatory No. 36	RESPONSE	1
Interrogatory No. 44	Entire Document	2

BellSouth's Response to AT&T's 1<sup>st</sup> Request for Production of Documents

Please refer to the Request for Confidential Classification of BellSouth's Response to Staff's Fifth Request for Production of Documents (POD NO. 16) filed May 30, 2000 in Florida Docket No. 990649-TP.

BellSouth's Response to AT&T's 2<sup>nd</sup> Request for Production of Documents

<u>Document</u>	<u>Location</u>	<u>Reason</u>
POD No. 32	Page 2, Entire Page	3
POD No. 33	Page 5	6
	Lines 12, 13, 17 / Column C	
	Page 6	6
	Amount Column	

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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S  
RESPONSE TO STAFF'S SIXTH REQUEST FOR PRODUCTION OF  
DOCUMENTS (POD NO. 27) FILED JUNE 27, 2000 IN FLORIDA DOCKET NO.  
990649-TP**

**STAFF'S POD NO 27 (Cont.)**

POD No. 37	Page 9 a=, b=, Columns FP Ratio, %Fiber, %Copper	4
	Page 10 Lines 2-5 Columns B-J	4
	Page 11 Columns B-I	4
	Page 12 Columns B-E	4
	Page 13 Columns B-E Note 1, Note 2	4
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BellSouth's Response to AT&T's 3<sup>rd</sup> Request for Production of Documents

<u>Document</u>	<u>Location</u>	<u>Reason</u>
POD No. 50	Entire Document	1

Rhythms Links' First Request for Production of Documents

<u>Document</u>	<u>Location</u>	<u>Reason</u>
POD No. 2	Entire Document	2
POD No. 3	Entire Document	5,6
POD No. 14	Entire Document	2
POD No. 17	Entire Document	2
POD No. 32	Entire Document	2



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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S  
RESPONSE TO STAFF'S SEVENTH REQUEST FOR PRODUCTION OF  
DOCUMENTS (POD NO. 38) FILED JULY 5, 2000 IN FLORIDA DOCKET NO.  
990649-TP**

**Explanation of Proprietary Information**

1. This information reflects BellSouth's business strategies. BellSouth's competitors can use this information to develop their own business strategies. 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.
2. This information contains vendor specific information, and/or, vendor specific prices negotiated by BellSouth. Public disclosure of this information would impair BellSouth's ability to contract for goods and services on favorable terms. This information is valuable, it is used by BellSouth in conducting its business and BellSouth strives to keep it secret. Therefore, such information is a trade secret which should be classified as proprietary, confidential business information exempt from the Open Records Act.
3. This information contains competitive business information. This information if released would be unfair to BellSouth for it would allow the competition to have free access to information which was developed at an expense to BellSouth. Competitors would then have an advantage in bidding for such business since they would have few, if any, expenses such as research and development to recover, and would bid below BellSouth's cost level. Accordingly, this information is entitled to confidential classification pursuant to Florida Statutes Section 364.183.

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RESPONSE TO STAFF'S SEVENTH REQUEST FOR PRODUCTION OF  
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**STAFF'S POD NO. 38**

**AT&T's Fourth Request for Production of Documents**

<u>Document</u>	<u>Page/Location</u>	<u>Reason</u>
POD No. 57	Pages 5-11, Entire Page	3
	Page 16, Lines 2-8	2

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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELL SOUTH'S  
SUPPLEMENTAL RESPONSE TO STAFF'S SIXTH REQUEST FOR  
PRODUCTION OF DOCUMENTS (POD NO. 27) FILED JULY 6, 2000 IN  
FLORIDA DOCKET NO. 990649-TP**

**Explanation of Proprietary Information**

1. This information contains competitive marketing information. This information if released would damage the competitive interests of BellSouth. Accordingly, this information is entitled to confidential classification pursuant to Florida Statutes Section 364.183(3)(e).

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**STAFF'S POD NO 27**

**BellSouth's Response to AT&T's 2<sup>nd</sup> Request for Production of Documents**

<u>Document</u>	<u>Page/Location</u>	<u>Reason</u>
POD No. 37	Page 1 a=, b=, Columns FP Ratio, %Fiber, %Copper	1
	Page 2 Lines 2-5 Columns B-J	1
	Page 3 Columns B-I	1
	Page 4 Columns B-E	1
	Page 5 Columns B-E Note 1, Note 2	1
	Page 6 Line 1, Columns A-E Note 1	1

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**STAFF'S POD NO 27 (Cont.)**

<u>Document</u>	<u>Page/Location</u>	<u>Reason</u>
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POD No. 37 (Cont.)

	Page 7 Line 6, Columns Dt, Dm Dc, Q, R, S, T, U, IOF & Loop Note 1, Note 2	1
	Page 8 =c, =g, =s, =a, =b, =sr Columns A-F	1
	Page 9 Columns A-D, F Lines 2-8, 10-24	1
	Page 10 =c, =g, =s, =a, =b, =sr Columns A-F Lines 2-8, 10-21	1
	Page 11 =c, =g, =s, =a, =b, =sr Columns A-F Lines 2-8, 10-23	1

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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S  
RESPONSE TO STAFF'S 8<sup>TH</sup> REQUEST FOR PRODUCTION OF  
DOCUMENTS (POD NO. 60), FILED AUGUST 24, 2000 IN FLORIDA DOCKET  
NO. 990649-TP**

**Explanation of Proprietary Information**

1. This information reflects customer vendor specific information, and/or, vendor specific prices negotiated by BellSouth. Public disclosure of this information would impair BellSouth's ability to contract for goods and services on *favorable terms*. This information is valuable, it is used by BellSouth in conducting its business and BellSouth strives to keep it secret. Therefore, such information is a trade secret which should be classified as proprietary, confidential business information pursuant to Section 364.183, Florida Statutes and is exempt from the Open Records Act.
2. The information requested concerns competitive business information. This information if released would be unfair to BellSouth for it would allow the *competition to have free access to intellectual property* which was developed at significant expense to BellSouth. Competitors would then have an advantage in bidding for such business since they would have few, if any, expenses such as market research and market development to recover, and would bid below BellSouth's cost level. Accordingly, this information is entitled to confidential classification pursuant to Florida Statutes Section 364.183.

**BellSouth Telecommunications, Inc.**  
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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S  
RESPONSE TO STAFF'S 8<sup>TH</sup> REQUEST FOR PRODUCTION OF  
DOCUMENTS (POD NO. 60), FILED AUGUST 24, 2000 IN FLORIDA DOCKET  
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**POD NO. 60**

**AT&T's 9<sup>th</sup> Set of Interrogatories**

Item No. 192	Part A and B of request	1
Attachment	Entire Document	1

**AT&T's 5<sup>th</sup> Request for Production of Documents**

POD No. 62	Entire Document	2
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**AT&T's 9<sup>th</sup> Request for Production of Documents**

POD No. 69	Material Cost Col, EF&I Col	1
POD No. 71	Material Cost Col, EF&I Col	1

**AT&T's 10<sup>th</sup> Request for Production of Documents**

POD No. 73 page 2	Material Only Cost Col	1
	EF&I Col	1
Page 3	DMS Col, 5ESS Col, Discount Col, Unit Col, Utilized Inv Col	1