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January 10, 2002

Mrs. Blanca S. Bayó  
Director, Division of the Commission  
Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**Re: Docket No. 990649A-TP (UNE Docket)**

Dear Mrs. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Request for Confidential Classification, which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

  
Andrew D. Shore (KA)

cc: All Parties of Record  
Marshall M. Criser III  
R. Douglas Lackey  
Nancy B. White

DOCUMENT NUMBER-DATE

00384 JAN 10 02

FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE  
Docket No. 990649A-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via  
Federal Express this 10<sup>th</sup> day of January, 2002 to the following:

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Andrew D. Shore (KA)

**(+) Signed Protective Agreement**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into )  
Pricing of Unbundled Network )  
Elements )  
\_\_\_\_\_ )

Docket No.: 990649A-TP

Filed: January 10, 2002

**BELLSOUTH TELECOMMUNICATIONS, INC.'S**  
**REQUEST FOR CONFIDENTIAL CLASSIFICATION**

BellSouth Telecommunications, Inc., ("BellSouth") pursuant to Rule 25-22.006, Florida Administrative Code, hereby files this Request for Confidential Classification, and states the following:

1. On January 7, 2002 BellSouth Telecommunications, Inc. filed its Response to Staff's First Request for Production of Documents, Item No. 1, Attachment 1 and 2 that includes proprietary information. At the same time, BellSouth filed a Notice of Intent to Request Confidential Classification.

2. BellSouth hereby files this Request for Confidential Classification because the information contained in BellSouth's Response to Staff's First Request for Production of Documents, Item No. 1, Attachment 1 and 2 includes practices/procedures utilized by BellSouth to conduct business and vendor-specific pricing information, confidential business information and customer proprietary information. Attachment "A" to BellSouth's Request for Confidential Classification contains the specific justification for the request for confidential classification along with a list that identifies the location of the information designated by BellSouth as confidential.

3. Attachment "B" to BellSouth's Request for Confidential Classification contains two copies of the documents with the confidential information redacted.

4. Attachment "C" to BellSouth's Request for Confidential Classification is a sealed envelope containing one copy of the documents including those portions that are confidential and proprietary.

5. The information contained in BellSouth's Response to Staff's First Request for Production of Documents, Item No. 1, Attachment 1 and 2 includes information containing practices/procedures utilized by BellSouth to conduct business and vendor-specific pricing information, confidential business information and customer proprietary information that is considered proprietary to BellSouth. Public disclosure of this information would provide competitors with an unfair advantage in future negotiations. This same information on competitors is not available to BellSouth. Therefore, such information should continue to be classified as confidential business information and customer proprietary information pursuant to Section 364.24 and Section 364.183(3)(e), Florida Statutes. Accordingly, it should be held exempt from the public disclosure requirements of Section 119.07, Florida Statutes.

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

7. The original of this Request was filed today with the Division of Records and Reporting, and a copy was served on the Parties.

WHEREFORE, based on the foregoing, BellSouth respectfully requests that the Commission enter an order declaring the information described above to be confidential, proprietary business information that is not subject to public disclosure.

Respectfully submitted this 10th day of January, 2002.

BELLSOUTH TELECOMMUNICATIONS, INC.

*Nancy B. White*

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## **ATTACHMENT A**

**BellSouth Telecommunications, Inc.  
FPSC Docket No. 990649A-TP  
Request for Confidential Classification  
Page 1 of 2  
01/28/02**

### **REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELL SOUTH'S RESPONSE TO STAFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS, ITEM 1, ATTACHMENT ONE AND TWO, FILED JANUARY 7, 2002, IN FLORIDA DOCKET NO. 990649A-TP**

#### **Explanation of Proprietary Information**

1. The information requested contains practices/procedures utilized by BellSouth to conduct business. This information, if released, would allow BellSouth's competitors to have free access to certain intellectual property which was developed at significant expense to BellSouth. BellSouth's competitors can use this information to develop their own strategies without the burden and expense of developing this property for themselves. Thus, the disclosure of this information to BellSouth's competitors would impair BellSouth's ability to compete and the information is entitled to confidential classification pursuant to Section 364.183, Florida Statutes. In addition, this information, which BellSouth keeps as trade secrets, is valuable because it is used by BellSouth in conducting its business. Therefore, this information should be classified as proprietary, confidential business information exempt from the Open Records Act.
2. This information reflects vendor specific pricing negotiated by BellSouth. Public disclosure of this information would impair BellSouth's ability to contract for goods and/or services on favorable terms. Pursuant to Section 364.183, Florida Statutes such information is classified as proprietary, confidential business information which is exempt from the Open Records Act.

# ATTACHMENT A

BellSouth Telecommunications, Inc.  
FPSC Docket No. 990649A-TP  
Request for Confidential Classification  
Page 2 of 2  
1/28/02

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELL SOUTH'S RESPONSE  
TO STAFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS, ITEM 1,  
ATTACHMENT ONE AND TWO, FILED JANUARY 7, 2002, IN FLORIDA DOCKET  
NO. 990649A-TP**

**POD NO. 1**

<u>Location</u>	<u>Reason</u>
Attachment 1	1
Attachment 2	2