

James Meza III
Attorney

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(305) 347-5561

May 23, 2002

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

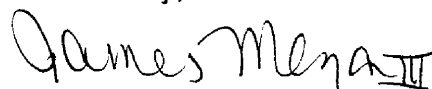
RE: Docket No. 001305-TP (Supra)

Dear Ms. Bayo:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Request for Specified Confidential Classification for portions of Supra's Motion to Strike and Reply to BellSouth's Opposition to Supra's Motion to Disqualify and Recuse, 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 a copy to me. Copies have been served to the parties shown on the attached certificate of service.

Sincerely,



James Meza III (LH)

Enclosures

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

DOCUMENT NUMBER DATE

05535 MAY 23 02

FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE
Docket No. 001305-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

Electronic Mail and U.S. Mail this 23rd day of May, 2002 to the following:

Wayne Knight, Staff Counsel
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Tel. No. (850) 413-6232
Fax. No. (850) 413-6250
wknight@psc.state.fl.us

Ann Shelfer, Esq. (+)
Supra Telecommunications and
Information Systems, Inc.
1311 Executive Center Drive
Koger Center - Ellis Building
Suite 200
Tallahassee, FL 32301-5027
Tel. No. (850) 402-0510
Fax. No. (850) 402-0522
ashelfer@stis.com

Brian Chaiken
Paul Turner (+)
Kirk Dahlke
Supra Telecommunications and
Information Systems, Inc.
2620 S. W. 27th Avenue
Miami, FL 33133
Tel. No. (305) 476-4248
Fax. No. (305) 443-1078
bchaiken@stis.com
pturner@stis.com
kdahlke@stis.com


James Meza (KA)

(+) Signed Protective Agreement

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Arbitration of the Interconnection) Docket No. 001305-TP
Agreement Between BellSouth Telecommunications,)
Inc. and Supra Telecommunications & Information)
System, Inc., Pursuant to Section 252(b) of the)
Telecommunications Act of 1996.)
_____) Filed: May 23, 2002

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

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

1. On May 1, 2002, Supra Telecommunications & Information Systems, Inc. ("Supra") filed a Motion to Strike and Reply to BellSouth's Opposition to Supra's Motion to Disqualify and Recuse ("Motion") in the above-captioned docket.

2. On May 2, 2002, BellSouth Telecommunications, Inc. filed a Notice of Intent to Request Specified Confidential Classification because the identified portions of Supra's Motion contained confidential information. Supra gave BellSouth no notice of its filing of this confidential information. Thus, it was only upon reviewing the subject document that BellSouth first discovered that it contained confidential information. BellSouth filed its notice promptly after making the discovery.

3. Several portions of Supra's Motion contained substantive references to the private commercial arbitration proceeding between the parties,

including specific references to the findings of the commercial arbitration panel. Both BellSouth and Supra are contractually bound under a previous and now-expired Interconnection Agreement to keep the proceedings of the private arbitration confidential. Since the public release of this information is contractually prohibited, it is entitled to confidential classification pursuant to § 364.183, Florida Statutes.

4. BellSouth has not waived any of its rights regarding the confidentiality of the commercial arbitration proceedings.

5. In addition, the confidential nature of the commercial arbitration proceedings has been confirmed by the Federal District Court for the Southern District of Florida, in Civil Action No. 01-3365. As the court found in its October 31, 2001 Order, the parties are required under the previous and now-expired agreement to keep all information related to the commercial arbitration proceedings confidential.

The exception to the confidentiality provision does not permit the parties to disclose information and evidence produced during the arbitration proceedings and other related matters (including an arbitration award), beyond a judicial proceeding or unless by order of a court or a governmental body. Further, the Arbitral Tribunal, in its Order dated July 20, 2001, concluded that the arbitration award may contain proprietary or confidential information, which the parties agreed to be held in confidence in accord with the terms of the Agreement. Therefore, to unseal the filings in this case would contravene the confidentiality provision with which the parties agreed.

See October 31, 2001 Order at pp. 5-6. As a result, all filings and Orders in the Federal Court case, are required to be filed and kept under seal, except for the October 31, 2001, Order.

6. BellSouth and Supra are obligated to keep the identified information confidential. In breach of its obligations, Supra submitted the information without seeking protection. The Commission should not reward Supra's breach of the previous Interconnection Agreement and Federal Court Order by denying BellSouth's request to protect the subject information simply because Supra failed to comply with its obligations. To find otherwise would (1) eviscerate the right a party has to protect information it considers to be confidential and (2) subject the process for seeking confidential classification to malfeasance and abuse.

7. BellSouth has done everything in its power to preserve the confidential status of the subject information. As a result, Supra's Motion was not and is not on the Commission's website and the Commission, upon information and belief, has not otherwise publicly disclosed the Motion.

8. Moreover, the subject information contains references to information that the Commission already determined to be confidential in Order No. PSC-02-0293-CFO-TP. This information includes but is not limited to findings made by the commercial arbitration panel. In violation of that Order, Supra submitted the information in a public filing without attempting to protect the confidential status of the subject information. Thus, to deny this request for

confidential classification would reward Supra for violating a prior Order of this Commission.

9. As a result of Supra violating the confidentiality provisions of the previous Interconnection Agreement as well as the Federal Court Order, BellSouth is currently seeking to enforce its rights for these violations in the appropriate forum. Thus, in order to avoid inconsistent ruling and circumventing any potential penalty that may be imposed upon Supra, the Commission should defer to this forum and, in an abundance of caution, find that the information is subject to confidential treatment under Section 364.183. To find otherwise and hold that the subject information is public would render any enforcement action "toothless".

10. For all of the above reasons, BellSouth is filing a Request for Specified Confidential Classification for the subject information. This information includes, among other things, contractual proprietary confidential business information that both parties are obligated to keep confidential. Pursuant to § 364.183, Florida Statutes, such information is considered proprietary confidential business information.

11. A more specific description of this information is contained in Attachment A. This information is valuable and BellSouth strives to keep it secret. Therefore, such information should be classified as proprietary, confidential business information pursuant to §§ 364.183(3)(e), Florida Statutes.

Accordingly, it should be held exempt from the public disclosure requirements of Section 119.07, Florida Statutes.

12. 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.

13. Appended hereto as Attachment B are two copies of the requested documents with the confidential information deleted.

14. Appended hereto as Attachment C is a sealed envelope containing one copy of the documents including the material, which is confidential and proprietary.

WHEREFORE, based on the foregoing, BellSouth 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.

CONFIDENTIAL

Respectfully submitted this 23rd day of May, 2002.

BELLSOUTH TELECOMMUNICATIONS, INC.

Nancy B. White

NANCY B. WHITE (KA)

JAMES MEZA III
c/o Nancy Sims
150 South Monroe Street, Suite 400
Tallahassee, Florida 32301
(305) 347-5558

R. Douglas Lackey

R. DOUGLAS LACKEY (KA)

T. MICHAEL TWOMEY
675 W. Peachtree Street
Suite 4300
Atlanta, Georgia 30375
(404) 335-0750

447991

ATTACHMENT A

BellSouth Telecommunications, Inc.
FPSC Docket No. 001305-TP
Request for Confidential Classification
Page 1 of 2
5/23/02

REQUEST FOR CONFIDENTIAL CLASSIFICATION FOR PORTIONS OF SUPRA'S MOTION TO STRIKE AND REPLY TO BELL SOUTH'S OPPOSITION TO SUPRA'S MOTION TO DISQUALIFY AND RECUSE FILED ON MAY 1, 2002 IN FLORIDA DOCKET NO. 001305-TP

Explanation of Proprietary Information

1. This information contains substantive references to commercial arbitration awards between BellSouth and Supra. Both BellSouth and Supra are bound by a previous and now-expired Interconnection Agreement to keep the results of the arbitration confidential. Since the public release of this information is contractually prohibited, it is entitled to confidential classification pursuant to Section 364.183, Florida Statutes. The Parties are also bound by a ruling from the United States District Court for the Southern District of Florida to keep the information confidential. Finally, the Commission has already determined that portions of the identified information is confidential and subject to protection under Section 364.183. See Order No. PSC-02-0293-CFO-TP.

ATTACHMENT A

**BellSouth Telecommunications, Inc.
FPSC Docket No. 001305-TP
Request for Confidential Classification
Page 2 of 2
5/23/02**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION FOR PORTIONS OF SUPRA'S
MOTION TO STRIKE AND REPLY TO BELL SOUTH'S OPPOSITION TO SUPRA'S
MOTION TO DISQUALIFY AND RECUSE FILED ON MAY 1, 2002 IN FLORIDA
DOCKET NO. 001305-TP**

<u>Location</u>	<u>Reason</u>	
Page 2, lines 14-17	1	
Page 2, lines 20-22	1	1
Page 3, lines 11-13		
Page 3, line 1	1	