

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint of the Florida Competitive Carriers Association Against BellSouth Telecommunications, Inc. Regarding BellSouth's Practice of Refusing to Provide FastAccess Internet Service to Customers who Receive Voice Service from a Competitive Voice Provider, and Request for Expedited Relief

Docket No. 020507-TP

Filed: September 5, 2003

**AT&T COMMUNICATIONS OF THE SOUTHERN STATES, LLC'S  
REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION AND MOTION FOR  
PROTECTIVE ORDER FOR PROPRIETARY, CONFIDENTIAL BUSINESS  
INFORMATION IN BELL SOUTH'S POST-HEARING BRIEF**

AT&T Communications of the Southern States, LLC (AT&T), pursuant to Rule 25-22.006, Florida Administrative Code, files this Request for Specified Confidential Classification and Motion for Protective Order.

1. On August 19, 2003, BellSouth Telecommunications, Inc. (BellSouth) filed its Post-Hearing Brief. On the same day, BellSouth filed its Notice of Intent to Request Specified Confidential Classification pertaining to certain confidential, proprietary business information contained in its Post-Hearing Brief.

2. A portion of the confidential, proprietary business contained in BellSouth's Post-Hearing Brief contains is specifically related to AT&T's business operations. AT&T considers this information to be confidential, proprietary business information. The confidential information is related to the number of lines AT&T has and their historical growth. The confidential, proprietary business information was gathered from AT&T's supplemental confidential response to BellSouth Interrogatory No. 4<sup>1</sup>, which was entered into the record at the hearing as Exhibit No. 2, and for which AT&T requested specified confidential classification on August 7, 2003. This request was granted in Order No. PSC-03-1003-CFO-TL. Disclosure of the information would harm AT&T's competitive business interests. The information has not

<sup>1</sup> The information in BellSouth's Post-Hearing Brief and AT&T's supplemental confidential response to BellSouth Interrogatory No. 4 appear different because BellSouth has totaled the confidential information in its brief. It, nonetheless, remains confidential.

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been made public and is governed by a Protective Agreement between the parties. A more specific description of this information is contained in Attachment A.

3. Section 364.183, Florida Statutes, provides an exemption from the disclosure requirements of section 119.07, Florida Statutes, when disclosure of confidential business information would "impair the competitive business of the provider of the information." Disclosure of the AT&T confidential information would harm its business operations by placing details of its operations and capabilities in the public domain. Accordingly, the information should be exempt from the public disclosure requirements of section 119.07, Florida Statutes.

4. AT&T treats the information for which confidential classification is sought as private and confidential.

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

6. 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, AT&T moves the Commission to enter an order declaring the information described above to be confidential, proprietary business information that is not subject to public disclosure.

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**ATTACHMENT A**

**Request For Confidential Classification of  
Confidential, Proprietary Business Information in BellSouth's Post-Hearing Brief  
Docket No. 020507-TP**

**Explanation of Proprietary Information**

1. The information provided belonging to AT&T provided in BellSouth's Post-Hearing Brief contains confidential, proprietary business information regarding the number of lines AT&T has and how such lines are provisioned. This information is related to AT&T's ongoing business affairs and can be used by AT&T's competitors to harm its competitive interests. Section 364.183, Florida Statutes, allows for an exemption from the disclosure requirements of section 119.07, Florida Statutes, when disclosure would "impair the competitive business of the provider of the information." Therefore, the information should be shielded from disclosure pursuant to section 119.07, Florida Statutes and section 24(a), Art. 1 of the State Constitution.

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3	21-22	1

**ATTACHMENT B**

**Request For Confidential Classification of  
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Docket No. 020507-TP**

**Redacted Copies**

1 from taking service from the carrier they prefer.” Complaint, ¶¶ 7, 14. At the hearing, however,  
2 the consumers were conspicuously absent. No consumer came forward to testify as a public  
3 witness. No consumer presented written comments as an interested party at the hearing. No  
4 CLEC sponsored actual customer testimony, either formally, in affidavit form, or even in  
5 anecdotal form. No consumer claimed that he or she was actually reluctant to change providers  
6 or was prevented from obtaining voice service from the carrier of his or her choice. The  
7 Commission should not a be swayed into believing that it is acting in furtherance of consumer  
8 choice or welfare when the reality is that the CLEC parties are in business to advance their own  
9 agendas and not those of the general Florida populace.

10 The record evidence indicates that competition is thriving in Florida. 149 operational  
11 CLECs currently serve 1.3 million access lines, which is 20.0% of the total lines in Florida.  
12 (Exh. 7). This Commission has documented CLEC increases in market share, as well as the  
13 heavy CLEC presence in BellSouth territory in its 2002 Annual Report on Competition. (See  
14 Annual Report on Competition, published by the Florida Public Service Commission’s Office of  
15 Market Monitoring and Strategic Analysis, December 2002). Such market share increases have  
16 continued over time, unaffected whatsoever by BellSouth’s FastAccess® policy.

17 Not only is competition alive and well in Florida, the CLEC parties in this case have  
18 experienced extraordinary growth. For example, AIN has grown its lines from 4,368 in 2001 to  
19 11,894 in 2002 to 12,147 lines in mid 2003. (Exh. 1). AIN failed to provide this Commission  
20 with any evidence of customers that refused to migrate voice service because of BellSouth’s  
21 FastAccess policy. (*Id.*) Similarly, AT&T has grown its total lines from \_\_\_\_\_ in 1999, to  
22 \_\_\_\_\_ in 2000, to \_\_\_\_\_ in 2001 to \_\_\_\_\_ in 2002. (Exh. 1). AT&T also failed to provide

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**ATTACHMENT C**

**Request For Confidential Classification of  
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**Confidential Copy**



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing AT&T Communications of the Southern States, LLC's Request for Specified Confidential Classification and Motion for Protective Order for Confidential, Proprietary Business Information in BellSouth's Post-Hearing Brief has been furnished by (\*) hand delivery or by U.S. Mail this 5th day of September 2003 to the following:

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