

ORIGINAL

State of Florida



Public Service Commission

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-M-E-M-O-R-A-N-D-U-M- COMMISSION CLERK

DATE: November 2, 2006

TO: Patrick Wiggins, Attorney Supervisor, Office of the General Counsel
Adam Teitzman, Senior Attorney, Office of the General Counsel

FROM: Dale R. Buys, Regulatory Analyst III, Division of Competitive Markets & Enforcement *DRB*

RE: **Miami-Dade County's Request For Confidential Classification in Docket No. 050257-TL- Complaint by BellSouth Telecommunications, Inc., Regarding the Operation of a Telecommunication Company by Miami-Dade County in Violation of Florida Statutes and Commission Rules.**

MB

On October 11, 2006, Miami-Dade County submitted its request for confidential classification of the information contained in FPSC Document Number 09487-06 which consists of a single page, bates stamped MDC_PSC(4)00001, listing the names of Miami-Dade Aviation Department's STS customers produced in response to the Florida Public Service Commission staff's and BellSouth Telecommunications, Inc.'s request. Upon review of the information contained in the document, technical staff concurs with Miami-Dade County that the information meets the requirements for confidential classification pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006(5), F.A.C., and as such, the information should be treated as confidential.

- CMP Attachment/
- COM DRB
- CTR
- ECR
- GCL
- OPC cc: Della Fordham
Blanca Bayo
- RCA
- SCR
- SGA
- SEC
- OTH *Marguerite*

DOCUMENT NUMBER-DATE

10276 NOV-7 06

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Complaint by BellSouth)
Telecommunications, Inc., Regarding)
The Operation of a Telecommunications)
Company by Miami-Dade County in)
Violation of Florida Statutes and)
Commission Rules)

Docket No. 050257

MIAMI-DADE COUNTY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION

Pursuant to Rule 25-22.006(4), F.A.C., Miami-Dade County (the "County"), by and through its undersigned counsel, hereby requests the confidential classification of the entire document bates stamped MDC_PSC(4) 00001 (the "Confidential Document"), which delineates its current list of customers, and was requested for production by the Florida Public Service Commission Staff ("Staff") and BellSouth Telecommunications, Inc. ("BellSouth") in this matter. In support of its request for confidential classification, the County states:

1. The Confidential Document constitutes a trade secret. § 812.081, Fla. Stat. (2005). "[T]rade secret information as defined in s. 812.081, and as provided for in s. 815.04(3), [is] expressly made confidential and exempt from the public records law" § 815.045, Fla. Stat. (2005). The Confidential Document qualifies for protection as proprietary confidential business information pursuant to § 364.183(3)(a), Florida Statutes.
2. *The Confidential Document is (i) confidential and exempt, (ii) intended to be and is treated by the County as private, and (iii) has not been disclosed.*

C:\Data\dsh\Pleadings\Airport\BellSouth Telecommunications (PSC Request for Confidential Classification).DOC

DOCUMENT NUMBER-DATE

OFFICE OF COUNTY ATTORNEY, MIAMI-DADE COUNTY, FLORIDA

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FPSC-COMMISSION CLERK

3. The Confidential Document is stamped "CONFIDENTIAL", and has only been produced to: (i) the Florida Public Service Commission ("PSC") Staff on July 3, 2006, in response to Staff's First Request for Production, and with the specific instruction that "[t]he County's current list of customers is confidential and exempt, and is not to be disclosed to third parties or non-Florida Public Service Commission entities. See *Sepro Corp. v. Fla. Dep't of Envtl. Prot.*, 839 So. 2d 781, 784 (Fla. 1st DCA 2003), review denied sub nom by *Crist v. Fla. Dep't of Envtl. Prot.*, 911 So. 2d 792 (Fla. 2005) (emphasis added);]" and (ii) BellSouth on October 10, 2006, pursuant to the PSC's Order No. PSC-06-0814-PCO-TL Governing the Handling of Confidential Information, dated October 3, 2006, and Order No. PSC-06-0815-PCO-TL Granting in Part and Denying in Part Motions to Strike and Extending Discovery Period, dated October 3, 2006, which subject the Confidential Document to the PSC's Protective Order and required its immediate production to BellSouth.

RESPECTFULLY SUBMITTED,

MURRAY A. GREENBERG
MIAMI-DADE COUNTY ATTORNEY

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By 

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed, this *11th*
day of October 2006, to:

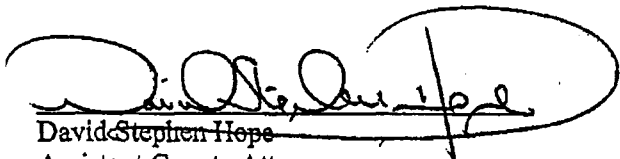
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