

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition to recover 2005 tropical system related costs and expenses, by BellSouth Telecommunications, Inc.

DOCKET NO. 060598-TL  
ORDER NO. PSC-07-0074-CFO-TL  
ISSUED: January 26, 2007

ORDER GRANTING BELLSOUTH TELECOMMUNICATIONS, INC.'S REQUEST  
FOR SPECIFIED CONFIDENTIAL CLASSIFICATION OF  
DOCUMENT NO. 11082-06

On December 1, 2006, BellSouth Telecommunications, Inc. (BellSouth) filed a request for specified confidential classification. In its request, BellSouth seeks confidential classification of certain information contained in its Revised Responses to Citizen's First Set of Interrogatories, Item No. 4 and First Request for Production of Documents, Item No. 2 (Document No. 11082-06), which consists of BellSouth's storm damage by named tropical storm from 1998 to the present and the storm damage accruals and reversals since 1994. BellSouth asserts Document No. 11082-06 contains confidential information pursuant to Sections 364.183 and 364.24, Florida Statutes. Attachment A, attached hereto and incorporated herein, contains a detailed justification of the confidentiality of the information at issue. I understand that BellSouth treats this information as confidential and it has not otherwise been released.

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.

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.

Pursuant to Sections 364.183 (3) and Section 364.24, Florida Statutes, it appears that the material described herein is proprietary and should be granted confidential status. As such,

DOCUMENT NUMBER-DATE

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BellSouth's Request for Specified Confidential Classification of certain information contained in the Revised Responses to Citizen's First Set of Interrogatories, Item No. 4 and First Request for Production of Documents, Item No. 2 (Document No. 11082-06), is hereby granted.


Based on the foregoing, it is

ORDERED by Chairman Lisa Polak Edgar, as Presiding Officer, that BellSouth Telecommunications, Inc.'s Request for Specified Confidential Classification of Document No. 11082-06, as set forth in Attachment A, which is attached and incorporated herein, is granted. It is further

ORDERED that pursuant to Sections 364.183 and 364.24, 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 Lisa Polak Edgar, as Presiding Officer, this 26th day of January, 2007.

  
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LISA POLAK EDGAR  
Chairman and Presiding 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, Florida Administrative Code; or (2) 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.

**ATTACHMENT A**

**BellSouth Telecommunications, Inc.  
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12/1/06**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELL SOUTH'S REVISED  
RESPONSE TO CITIZEN'S 1<sup>ST</sup> SET OF INTERROGATORIES, ITEM NO. 4,  
(ATTACHMENT) AND FIRST REQUEST FOR PRODUCTION, ITEM NO. 2, FILED  
DECEMBER 1, 2006**

**Explanation of Proprietary Information**

1. This information is proprietary and confidential business information used by BellSouth in conducting its business, and not commonly known by or available to the public. Specifically, this information contains confidential business and financial information, including, but not limited to, forecasts, and hypothetical situations.

ATTACHMENT A

BellSouth Telecommunications, Inc.  
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Request for Confidential Classification  
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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELL SOUTH'S REVISED  
RESPONSE TO CITIZEN'S 1<sup>ST</sup> SET OF INTERROGATORIES, ITEM NO. 4,  
(ATTACHMENT) AND FIRST REQUEST FOR PRODUCTION, ITEM NO. 2, FILED  
DECEMBER 1, 2006**

<u>Revised Interrogatory No. 4 (Attachment)</u>	<u>Reason</u>
Capital Column	1
Intrastate Capital Column	1
Incremental Expense Column	1
Incremental Intrastate Expense Column	1

<u>POD NO. 2</u>	<u>Reason</u>
Entire Page 1	1
Amounts Column, Page 2	1
Lines 1 and 2 of "Note", Page 2	1
Incremental Intrastate Expense Column, Page 3	1
Columns B,C,D,E,F,G,H and I, Page 4	1