

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Commission to intervene,  
investigate and mediate dispute between DSL  
Internet Corporation d/b/a DSLi and BellSouth  
Telecommunications, Inc.

DOCKET NO. 080631-TP  
ORDER NO. PSC-10-0023-CFO-TP  
ISSUED: January 11, 2010

ORDER GRANTING IN PART AND DENYING IN PART  
CONFIDENTIAL TREATMENT TO DOCUMENT NO. 11517-09

On November 20, 2009, BellSouth Telecommunications, Inc. d/b/a AT&T Florida (“AT&T”) filed its Request for Specified Confidential Classification of information contained in Revised Exhibit No. CAC-4, which was attached to the Rebuttal Testimony of AT&T’s witness, Cindy Clark (“Request”). Revised Exhibit CAC-4 has been assigned Document No. 11517-09 by this Commission. In its Request, AT&T asserts that the information, found at the following locations in Document No. 11517-09, is proprietary confidential business information pursuant to Section 364.183, Florida Statutes:

Page 1, Line 3;  
Page 1, Column B, Lines 8 through 24;  
Page 1, Column G, Lines 8 through 23 and 25;  
Page 1, Column H, Lines 8 through 23.

In support of this assertion, AT&T argues that the information identified above is considered confidential business information by DSL Internet Corporation d/b/a (“DSLi”), is deemed proprietary by DSLi, is valuable to DSLi; is kept secret by DSLi; and, is treated as confidential and protected by AT&T.

Upon review of Document No. 11517-09, I find that the information identified by AT&T at page 1, line 3 is a Billing Account Number. The information at page 1, column B, line 8 is disclosed in the Rebuttal Testimony of AT&T witness Cindy A. Clark at page 12, line 24. Taking the disclosed information as a starting point, all other information requested by AT&T to be confidential, except the Billing Account Number, can be derived using the unredacted information from page 1, columns A, C, D, E, and F of Document No. 11517-09.

Thus, I find that only the Billing Account Number found at page 1, line 3 of Document No. 11517-09 is proprietary confidential business information pursuant to Section 364.183(3), Florida Statutes. Additionally, I note that this information does not include the compensation of either AT&T or DSLi executives and that neither company is rate-base regulated. Therefore, I hereby grant confidential classification to the information found at page 1, line 3 of Document No. 11517-09. The remainder of the AT&T Request is denied.

Pursuant to Section 364.183(4), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of 18 months from the

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issuance date of this Order. Pursuant to Rule 25-22.006(9), Florida Administrative Code, at the conclusion of the 18-month period, confidential information that is not returned to AT&T will no longer be exempt from Section 119.07(1), F.S., unless AT&T, DSLi, or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

Based on the foregoing, it is

ORDERED by Commissioner Nathan A. Skop, as Prehearing Officer, that BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Request for Confidential Classification of page 1, line 3 of Document No. 11517-09 is granted. It is further

ORDERED that the remainder of BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Request for Confidential Classification is denied. It is further

ORDERED that AT&T refile Revised Exhibit No. CAC-4, with only the information on page 1, line 3 redacted. It is further

ORDERED that the information in Document No. 11517-09, for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Nathan A. Skop, as Prehearing Officer, this 11th day of January, 2010.



NATHAN A. SKOP  
Commissioner and Prehearing Officer

(S E A L )

CWM

**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 Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, 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.