

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application by SOUTHERN) DOCKET NO. 920385-TL
BELL TELEPHONE AND TELEGRAPH) ORDER NO. PSC-93-0240-CFO-TL
COMPANY to change depreciation) ISSUED: 02/15/93
rates and schedules)
_____)

ORDER GRANTING CONFIDENTIAL TREATMENT

On May 1, 1992, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed its 1992 depreciation study pursuant to Rule 25-4.0175, Florida Administrative Code. The hearing in this docket was held October 26 and 27, 1992. During the course of discovery, Southern Bell provided a substantial amount of material to the Office of Public Counsel (OPC) and the Staff. Contained within that material were documents and information that the Company asserted may be confidential. All potentially confidential documents were filed with the appropriate requests for confidential classification. The documents or portions thereof, for which confidential classification has been requested and which were introduced as exhibits at the hearing, are identified as follows:

1. Capital Cost for All Fiber Network by Year 2011
Pages 98, 99, 108, 110
2. 1992 Loop Deployment Guidelines
Pages 43, 44, 55, 61, 68, 69, 97-115, 117-119, 122-124,
129-131
3. 1990 Loop Deployment Guidelines
Pages 141, 142, 149, 153, 159, 160, 186-188, 196,
199-201, 206, 215, 232, 235, 252
4. Strategic Economic & Technical Issues Regarding Fiber in
the Loop Deployment
Pages 281, 283-286

DOCUMENT NUMBER-DATE

01702 FEB 15 88

FPSO-REGISTRATION/REPORTING

5. Preliminary Relative Platform Economic Study for Broadband Services
Pages 290-292, 294, 295, 297-311, 314-316, 330, 335-338, 340-342, 345-348, 354, 359, 367, 368, 377, 388-392, 403, 406, 410, 456, 457, 503-505
6. Broadband Service Forecast 11/91
Pages 3-7
7. Broadband Infrastructure Department Responses Market Research Item 4
Pages 13, 14, 18-48

The appropriate request for Confidential Classification for the above information was filed on September 25, 1992, and is identified as Document No. 11221-92. No party opposed Southern Bell's request.

Florida law provides, in Section 119.01, Florida Statutes, that documents submitted to governmental agencies shall be public records. This law derives from the concept that government should operate in the "sunshine." The only exceptions to this law are specific statutory exemptions and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision.

Accordingly, pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, it is the Company's burden to show that the material submitted is qualified for specified confidential classification. Rule 25-22.006 provides that the Company may fulfill its burden by demonstrating that the documents fall into one of the statutory examples set forth in Section 364.183 or by demonstrating that the information is proprietary confidential information, the disclosure of which will cause the Company or its ratepayers harm.

Southern Bell claims that the information deemed to be confidential and identified herein contains forecasted cost information used in assessing the overall costs of the Southern Bell network, as well as business strategy and vendor information. Any competitor or potential competitor would benefit from possession of this information. Possession of this information would assist Southern Bell's competitors in establishing pricing

strategies and developing business cases. If this information were allowed to be released in the public domain, Southern Bell believes its revenues could be diminished, with a resulting shortfall which would work to the obvious detriment of the Company's ratepayers as well as harm the competitive position of Southern Bell.

Southern Bell further asserts that the information included herein has been developed at considerable time and expense and is not readily ascertainable by Southern Bell's competitors who could obtain economic value from its disclosure. Southern Bell considers this information highly confidential and valuable business information which is not disclosed outside of Southern Bell and its affiliates. Consequently, Southern Bell maintains that this information constitutes trade secrets which are deemed to be proprietary confidential business information pursuant to Section 364.183. The disclosure of this information publicly could lead to the dilution or elimination of its value, both internally and externally.

I. Capital Cost for All Fiber Network by Year 2011

The Company has provided the following specific justification for the information listed below:

<u>F02A01Z</u>	
<u>Bates #</u>	<u>Line #</u>
07607	4-24 (Cols. B, D, F)
07608	4-24 (Cols. B, F)
07617	5-25
07619	29-32

The information in this exhibit consists of Fiber Distribution Cost Trends, Copper Distribution Cost Trends, and Projected Fiber Feeder Conversion Cost for the years 1990 through 2010, as well as cost information on low power plain old telephone service customer premise equipment (POTS CPE) and fiber to the curb (FTTC) pedestals. The Company claims that this information contains BellSouth cost data used in assessing the overall cost of the BellSouth network. Such information would benefit any competitor or potential competitor to BellSouth by assisting them in establishing pricing strategies.

II. 1992 Loop Deployment Guidelines

The Company has provided the following specific justification for the information listed below:

<u>F02A01Z</u> <u>Bates #</u>	<u>Line #</u>
08088	12-14 (Cols. B-D)
08089	7-9
08100	11-19, 21-29
08106	11-20, 22-32
08114	7, 12-22, 24-34
08142	Charts 1, 2
08143	Charts 1, 2
08144	Charts 1, 2
08145	Charts 1, 2
08146	Charts 1, 2
08147	Charts 1, 2
08148	Charts 1, 2
08149	Charts 1, 2
08150	Charts 1, 2
08151	Charts 1, 2
08152	Charts 1, 2
08153	Charts 1, 2
08154	Charts 1, 2
08155	Charts 1, 2
08156	Charts 1, 2
08157	Charts 1, 2
08159	Charts 1, 2
08162	Chart
08163	8-13, 15-19
08164	8, 9, 11, 12, 18-21, 23-26
08167	Chart
08168	Chart
08169	Chart
08174	Chart
08175	Chart
08176	Chart
08177	Chart

The above information consists of portions of the 1992 Loop Deployment Guidelines used as screening tools for selecting the most economical deployment alternatives. Southern Bell claims that

the information contained in the above referenced pages illustrates BellSouth business strategies regarding the deployment of technologies. As such, this information constitutes trade secrets not readily available to competitors and disclosure of this information could jeopardize pricing for competing vendors' products.

<u>F02A01Z</u>	
<u>Bates #</u>	<u>Line #</u>
08113	8, 46-50

The above referenced lines consist of information regarding land acquisition and site preparation costs involved in carrier housing selections. The Company claims that this information contains BellSouth cost data used in assessing the overall cost of the BellSouth network. Such information would benefit any competitor or potential competitor to BellSouth by assisting them in establishing deployment and pricing strategies.

III. 1990 Loop Deployment Guidelines

The Company has provided the following specific justification for the information listed below:

<u>F02B01Z</u>	
<u>Bates #</u>	<u>Line #</u>
08339	6-8
08340	8, 10, 11
08347	12-20, 22-30
08351	12-24, 26-38
08358	8-19, 21-32
08384	8-13, 15-19
08385	8-12, 19-22, 24-27
08386	Charts 1, 2
08397	Graph
08398	Graph
08399	Graph
08404	Graph
08429	2-5, 23-28
08432	7-49
08449	Graph/Chart

The above information consists of portions of the 1990 Loop Deployment Guidelines used as screening tools for selecting the most economical deployment alternatives. Southern Bell claims that the information contained in the above referenced pages illustrates BellSouth business strategies regarding the deployment of technologies. As such, this information constitutes trade secrets not readily available to competitors and disclosure of this information could jeopardize pricing for competing vendors' products.

<u>F02B01Z</u>	
<u>Bates #</u>	<u>Line #</u>
08357	37-41
08394	Chart

The above referenced lines consist of information regarding land acquisition and site preparation costs involved in carrier housing selections, as well as extraordinary line cost limits for conditioning metallic cable. The Company claims that this information contains BellSouth cost data used in assessing the overall cost of the BellSouth network. Such information would benefit any competitor or potential competitor to BellSouth by assisting them in establishing pricing strategies.

IV. Strategic Economic & Technical Issues Regarding Fiber in the Loop Deployment

The Company has provided the following specific justification for the information listed below:

<u>F02A01Z</u>	
<u>Bates #</u>	<u>Line #</u>
01594	37-39
01596	15-17
01597	7, 9, 21
01599	10, 12, 14-18

The information contained in this exhibit consists of cost issues involved in fiber deployment. Southern Bell claims that the information illustrates BellSouth business strategies regarding the deployment of technologies. As such, this information constitutes

trade secrets not readily available to competitors and disclosure of this information could jeopardize pricing for competing vendors' products.

<u>F02A01Z</u> <u>Bates #</u>	<u>Line #</u>
01598	11, 30, 31

The Company claims that the above information contains BellSouth cost data used in assessing the overall cost of the BellSouth network. Such information would benefit any competitor or potential competitor to BellSouth by assisting them in establishing pricing strategies.

V. Preliminary Relative Platform Economic Study for Broadband Services

The Company has provided the following specific justification for the information listed below:

<u>F02A01Z</u> <u>Bates #</u>	<u>Line #</u>
08197	8-10, 23-26, 30-32
08198	7-8
08200	4-7, 10-14
08201	3
08203	12 (Fig. 1 Diagram)
08205	2-20
08206	16-23
08207	2-4
08208	7-14
08209	1-14
08210	5-11
08211	1-3
08212	2-8
08213	1-2 (Fig. 10 Diagram)
08214	2-3, 14-19, 23, 25
08215	4, 6 (Col. 3)
08216	3, 5 (Col. 3)
08220	4
08236	9-16
08241	2-7

<u>F02A01Z</u>	
<u>Bates #</u>	<u>Line #</u>
08242	Picture
08243	2-7, 19-35
08244	20-27
08246	24-37
08247	1-8, 22, 30-32
08248	20-23, 25-29
08251	20-24, 26-28
08252	5-8
08253	8-23
08254	1-13
08260	Picture
08265	14-15
08273	Picture
08274	16 (Picture), 17
08283	4-6
08292	3-8, 15-24
08295	1
08296	3-7
08297	11-32
08298	1-22
08308	3-6, 14 (Picture), 20
08311	28-35
08315	2-13
08361	18-21, 23-24
08362	12-14, 21-23
08407	2-18
08408	10 (Picture)
08409	2-7, 19-36

During the course of discovery Southern Bell provided the Commission with information regarding Broadband Services. The Broadband Services Platform Study focuses on the introduction of SMDS and Frame Relay services on a broadband switching platform in 1993 followed by the introduction of ATM Cell Relay service by 1995. The Company provided information regarding two alternatives for the common broadband services platform. The Preliminary Relative Platform Economic Study, which is the document provided herein, is the first phase of the Broadband Services Platform Study. The Company contends that the above information illustrates BellSouth business strategies regarding the deployment of technologies. As such, this information constitutes trade secrets

not readily available to competitors and disclosure of this information could jeopardize pricing for competing vendors' products.

<u>F02A01Z</u> <u>Bates #</u>	<u>Line #</u>
08204	2-7, 19-37

The Company maintains that the above listed information contains vendor product performance analysis and BellSouth deployment strategies. Disclosure of this information may provide an unfair advantage to competing vendors/suppliers. In addition, such information would benefit any competitor or potential competition to BellSouth by assisting them in establishing deployment and pricing strategies.

<u>F02A01Z</u> <u>Bates #</u>	<u>Line #</u>
08217	8-23 (Col. 2)
08221	6-10, 13-18

Southern Bell maintains that the above listed information contains BellSouth cost data used in assessing the overall cost of the BellSouth network. Such information would benefit any competitor or potential competitor to BellSouth by assisting them in establishing pricing strategies.

<u>F02A01Z</u> <u>Bates #</u>	<u>Line #</u>
08196	14-17, 22-29, 36
08222	3-11, 16-18

Southern Bell asserts that this information contains BellSouth cost data used in assessing the overall cost of the BellSouth network and contains vendor product performance analysis and BellSouth deployment strategies. Disclosure of this information may provide an unfair advantage to competing vendors/suppliers. In addition, such information would benefit any competitor or potential competition to BellSouth by assisting them in establishing deployment and pricing strategies.

VI. Broadband Service Forecast - November 1991

The Company has provided the following specific justification for the information listed below:

<u>F02A01Z</u> <u>Bates #</u>	<u>Line #</u>
06208	4, 5, 18, 20, 24, 28, 30
06209	5, 7, 24, 26, 35, 37
06210	2-4, 8-16 (B), 17, 22, 24, 26
06211	4-7, 13, 16, 19, 22-25, 27
06212	Chart

The above information contains unit and revenue forecasts for broadband services projections from 1992 through 2015. The Company contends that the information illustrates BellSouth business strategies regarding the deployment of technologies. As such, this information constitutes trade secrets not readily available to competitors and disclosure of this information could jeopardize pricing for competing vendors' products.

VII. Broadband Infrastructure Department Responses Market Research Item 4

The Company has provided the following justification for the information listed below:

<u>F02A01Z</u> <u>Bates #</u>	<u>Line #</u>
06287	20, 23, 35
06288	12, 13
06292	39
06293	32, 34, 35, 42
06294	1, 3, 6-8, 22-31, 39-44
06295	1-4, 23-28, 30-34, 42, 45
06296	1-3, 10, 12-15, 17-20, 22, 24, 26-27, 29
06297	1-6, 8-12, 27-29, 38-39
06298	12-39, 45-48
06299	1-7, 14-19, 28-33, 35-42
06300	1-3, 5-8, 15, 18, 19, 20, 22-32, 35-38
06301	1-9, 14, 16, 22-31, 37, 38

<u>F02A01Z</u>	
<u>Bates #</u>	<u>Line #</u>
06302	4-26, 35, 36
06303	9, 10, 17-49
06304	1-11, 16-19
06305	4-11, 32-40
06306	1-5, 7-28
06307	3-6, 11-13, 19-42
06308	1-9, 24, 25
06309	4-15, 18-40
06310	1-8, 18, 21, 26-37
06311	3-7, 13-17, 25, 27, 28, 35, 36
06312	2-7, 9-14, 18-30
06313	8-11, 33-47
06314	14-18, 22-29, 37-39
06315	1, 3, 13-15, 18, 19, 22, 23, 26, 28-31, 35, 39, 42, 43, 45-47
06316	1, 4, 10
06317	3, 32, 33
06318	1-6, 16, 17, 47, 48
06319	1-3, 9, 10, 13-24, 26, 29-33, 36, 38
06320	10, 12, 14, 17, 18, 20, 22, 23, 26, 34, 35, 47
06321	20, 32
06322	1-3

The Company contends that the above information illustrates BellSouth business strategies regarding the deployment of technologies. As such, this information constitutes trade secrets not readily available to competitors and disclosure of this information could jeopardize pricing for competing vendors' products.

Upon review of Southern Bell's pleading, I find that the disclosure of the material at issue would cause the types of competitive and contractual harm protected by Section 364.183(3)(d) and (e), Florida Statutes. Accordingly, confidential classification is granted to the extent sought in the Company's request.

Based on the foregoing, it is

ORDERED by Chairman J. Terry Deason, as Prehearing Officer, that BellSouth Telecommunications, Inc. d/b/a Southern Bell

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Telephone and Telegraph Company's Request for Confidential Classification of the portions of the documents as identified above, is granted pursuant to Section 364.183, Florida Statutes. It is further

ORDERED that all material for which confidential classification was requested, but which was not made part of the record of this proceeding, shall be returned to BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 364.183. 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 J. Terry Deason, as Prehearing Officer, this 15th day of February, 1993.


J. TERRY DEASON, Chairman
and Prehearing 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 120.59(4), 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.

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 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 Records and Reporting, 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.