

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Consideration of
BellSouth Telecommunications,
Inc.'s entry into interLATA
services pursuant to Section 271
of the Federal
Telecommunications Act of 1996.

DOCKET NO. 960786-TL
ORDER NO. PSC-97-1039-CFO-TL
ISSUED: September 2, 1997

ORDER GRANTING REQUESTS FOR CONFIDENTIAL TREATMENT

Pursuant to Section 271(d)(3) of the Telecommunications Act of 1996 (the Act), the Federal Communications Commission (FCC) has 90 days to issue a written determination approving or denying a Bell Operating Company's (BOC) application for interLATA authority. Further, the FCC is directed to consult with the appropriate State Commission before making a determination regarding the BOC's entry into the interLATA market. Specifically, the ACT requires the FCC to consult with the State Commission in order to verify the BOC's compliance with the requirements of Section 271(c) of the Act. On June 28, 1996, we opened this docket to begin to fulfill our consultative role. Evidence will be presented on whether BellSouth Telecommunications, Inc. (BellSouth) has met the requirements of Section 271(c) of the Act during the hearing, which is scheduled to begin on September 2, 1997.

On August 21, 1997, BellSouth filed a Request for Confidential Classification of information provided in response to Staff's Subpoena Duces Tecum, Document Nos. 08478-97 and 07738-97. On that same day, the Telephone Company of Central Florida (TCCF) and Intermedia Communications, Inc. (ICI) also filed requests for confidential treatment of information provided by BellSouth in response to Staff's subpoena, Document Nos. 08484-97 and 08486-97, respectively. These requests address some of the same information; thus, each of these requests is addressed herein.

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

DOCUMENT NUMBER-DATE

08814 SEP-25

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Statutes, or to demonstrate that the information is proprietary confidential information, the disclosure of which will cause the Company or its ratepayers harm.

Specifically, BellSouth seeks confidential treatment of the information responsive to Item 31 of the subpoena, page 1, lines 14-23; page 2, lines 1, 13, 21, and 31; page 3, lines 1, 9, 16, and 25; pages 5 and 6, columns titled "acnacust" and "Company Name;" page 8, columns "ACNA" and "Company;" and pages 9 - 12, columns "CXR" and "Area Total."

BellSouth argues that this information is customer specific proprietary confidential information that BellSouth is prohibited from disclosing by Section 364.24, Florida Statutes. BellSouth states that this information details the numbers, types, and termination location of services purchased from BellSouth. BellSouth also asserts that it treats this information as confidential, as do the customers to whom it relates.

ICI also requests confidential treatment of the information responsive to Item 31 of Staff's subpoena, on page 2, lines 2-8, of all columns; page 4, lines 3-7, columns C-D; on page 7, lines 4-14, columns A, and C-G, and line 15, columns F-G.

ICI adds that the information for which it requests confidential treatment directly relates to its competitive interests, and the disclosure of it would impair ICI's business by allowing competitors to estimate the amount of traffic transported on ICI's network. ICI further states that some of this information relates to its trunks. ICI argues that release of the trunk information would allow competitors to determine the specific markets where ICI is doing business and the extent of ICI's market penetration. ICI asserts that this information is proprietary, confidential information and should, therefore, be granted confidential treatment.

BellSouth also seeks confidential classification of the information submitted in response to Item 43 of Staff's subpoena, on pages 2 - 5, in the columns "resh_data" and "Company Name." BellSouth argues that this information is also customer specific proprietary confidential information that BellSouth is prohibited from disclosing by Section 364.24, Florida Statutes. BellSouth asserts that it treats this information as confidential, as do the customers to whom it relates.

ICI seeks confidential treatment of information submitted in response to Item 43, on page 1A, lines 3-34, in columns C-F; and page 2A, lines 2-12, in columns C-F. ICI states that the information for which it seeks confidential classification describes the specific services ICI resells of BellSouth, and in which region of Florida ICI resells the services. ICI argues that release of this information would allow competitors to determine the specific markets, as well as the number of customers and volume, where ICI does business. ICI asserts that it treats this information as confidential and that it should be granted confidential classification.

TCCF also seeks confidential classification of information submitted in response to this same item, on page 4, lines 2-36, in columns C-F; and on page 5, lines 2-6, in columns C-F. Similarly, TCCF asserts that the information for which it seeks confidential classification describes the specific services TCCF resells of BellSouth, and in which region of Florida TCCF resells the services. TCCF argues that release of this information would allow competitors to determine the specific markets, as well as the number of customers and volume, where TCCF does business. TCCF asserts that it treats this information as confidential and that it should be granted confidential classification.

BellSouth also seeks confidential classification of information submitted in response to Item 53, page 1, lines 14-16; Item 59, page 1, lines 10-16; Item 62, page 1, lines 12-17; Item 66, page 1, lines 11-13; and Item 68, Attachment B, page 1, in column "LEC Name," and Attachment C, pages 1-39, in column "Carrier." BellSouth argues that this information is also customer specific proprietary confidential information that BellSouth is prohibited from disclosing by Section 364.24, Florida Statutes. BellSouth asserts that it treats this information as confidential, as do the customers to whom it relates.

ICI likewise seeks confidential treatment of information submitted in response to Item 68 of Staff's subpoena, in Attachment C, on page 5, lines 5 and 7, columns A, and C-H; page 6, line 5, column A; page 6, line 6, columns C-H; page 7, lines 5-6, columns A, and C-H; page 8, line 5, columns A, and C-H; page 10, line 5, columns A, and C-H; page 13, line 5, column A; page 13, line 6, columns C-H; page 14, lines 5 and 7, column A, page 14, lines 6-7, columns C-H; page 15, lines 5-7, columns A, and C-H; page 16, line 5, columns A, and C-H; page 16A, lines 1 and 3, columns A, and C-H; page 16B, line 1, column A; page 16B, line 2, columns C-H; page

17, line 5, column A; page 17, line 6, columns C-H; page 18, line 5, column A; page 18, line 6, columns C-H; page 19, line 5, columns A, and C-H; page 19, line 6, column A; page 19, line 7, columns C-H; page 20, line 1, columns A, and C-H; page 23, line 5, column A; page 23, line 6, columns C-H; page 24, line 5, column A; page 24, line 6, columns C-H; page 24A, line 1, column A; page 24A, line 2, columns C-H; page 25, line 5, columns A, and C-H; page 26, line 5, and columns A, and C-H; page 27, line 1, columns A, and C-H; page 28, line 5, column A; page 28, line 6, columns C-H; page 30, line 5, columns A, and C-H; page 31, line 5, columns A, and C-H; page 31, line 6, column A; page 31, line 7, columns C-H; page 32, line 5, columns A, and C-H; page 33, lines 5-6, columns A, and C-H; page 33, line 7, column A; page 33, line 8, columns C-H; page 34, lines 1-2, columns A, and C-H; page 35, line 5, column A; page 35, line 6, columns C-H; page 35, lines 7 and 10, columns A, and C-H; page 36, line 1, column A; page 36, line 2, columns C-H; page 36, line 3, columns A, and C-H; page 37, line 5, columns A, and C-H; page 38, lines 1 and 4, columns A, and C-H; page 38, line 2, column A; page 38, line 3, columns C-H; page 39, line 5, column A; and page 39, line 6, columns C-H. ICI asserts that this information describes the specific location where ICI has customers. ICI argues that release of this information would also allow competitors to determine the specific markets, as well as the number of customers and volume, where ICI does business. ICI asserts that it treats this information as confidential and that it should be granted confidential classification.

In addition, BellSouth seeks confidential treatment of the information submitted in response to Item 98 of Staff's subpoena, page 1, lines 25 - 32. As with the rest of the information, BellSouth asserts that this is customer specific proprietary confidential information that BellSouth is prohibited from disclosing by Section 364.24, Florida Statutes. BellSouth asserts that it treats this information as confidential, as do the customers to whom it relates.

Upon review, the material is found to be proprietary business information in accordance with Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. Disclosure of this information would be detrimental to BellSouth, as well as to the customer, including ICI and TCCF, to whom it relates. Any customer-specific information should be protected in accordance with Section 119.07, Florida Statutes. As such, the requests for confidential treatment filed by BellSouth, ICI, and TCCF, are hereby granted.

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Based on the foregoing, it is therefore

ORDERED by Chairman Julia L. Johnson, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s August 21, 1997, Request for Confidential Treatment of Document Nos. 08478-97 and 07738-97, Intermedia Communications, Inc.'s August 21, 1997, Request for Confidential Treatment of Document No. 08486-97, and the Telephone Company of Central Florida's August 21, 1997, Request for Confidential Treatment of Document No. 08484-97 are granted.

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any 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 Julia L. Johnson, as Prehearing Officer, this 2nd Day of ~~September~~, 1997.



JULIA L. JOHNSON
Chairman and Prehearing Officer

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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, 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.