

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-97-1397-CFO-TL  
ISSUED: November 5, 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 was presented on whether BellSouth Telecommunications, Inc. (BellSouth) has met the requirements of Section 271(c) of the Act during the hearing, which was held September 2 - 10, 1997.

On September 10, 1997, BellSouth filed a Request for Confidential Classification of information contained in Late-Filed Deposition Exhibits Nos. 2, 9, 12, 13, 17, and 20, of W. Keith Milner, Document No. 09168-97, and referenced documents Nos. 08802-97 and 08482-97. On September 11, 1997, BellSouth also filed requests for confidential treatment for late-filed deposition exhibits 5, 6, and 8, of Gloria Calhoun, Document No. 09261-97, and referenced documents Nos. 08839-97, 08863-97, and 08884-97; for late-filed deposition exhibits 9, 10, 13, 14, 16, and 29, as well as late-filed Hearing Exhibit 40, of Robert C. Scheye, Document No. 09264-97, and referenced documents Nos. 08523-97, 08757-97, 08917-97, and 09067-97; and late-filed deposition exhibits 4, 5, 6, 7, and 8, of William N. Stacy, Document No. 09267-97, and referenced documents Nos. 08521-97 and 08614-97. BellSouth asserts that this information is proprietary information that BellSouth treats as confidential, and that it has not been otherwise disclosed.

DOCUMENT NUMBER-DATE

11351 NOV-56

FPSC-RECORDS/REPORTING

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.

Specifically, BellSouth seeks confidential treatment of information in Milner's Late-Filed Deposition Exhibit 2, on page 5, lines 10 and 20, on page 28, lines 14-16, on page 35, lines 27 and 28, and on page 38, lines 18-24. BellSouth also seeks confidential treatment of the information in Milner's Late-Filed Deposition Exhibit 9, on page 1, lines 15-22, in Late-Filed Deposition Exhibit 12, on page 1, lines 10-16, in Late-Filed Deposition Exhibit 13, on pages 1-4, in the Column entitled "Code Holder Name," in Late-Filed Deposition Exhibit 17, on page 1, in lines 20 and 21, on in Late-Filed Deposition Exhibit 20, on page 1, in lines 12-18.

In Gloria Calhoun's Late-Filed Deposition Exhibit 5, BellSouth seeks confidential treatment of the information on page 1, in lines 13 and 14; in Late-Filed Deposition Exhibit 6, Chart page 1, lines 1-37, Chart page 2, lines 38-75, on the Registration Summary, on pages 1-30, in the Columns entitled "CLEC Name," "Student Name," and "Student ID#;" and in Late-Filed Deposition Exhibit NO. 8, in Table 8-1, in the Columns entitled "CLEC" and all CLEC names.

In Robert C. Scheye's Late-Filed Deposition Exhibit 9, BellSouth seeks confidential treatment of the information on page 1, in the Column entitled "ALEC" and all ALEC names; in Late-Filed Deposition Exhibit 10, for the March 20, 1997, letter from Frank Hoffman to Bill Morrison, and on pages 2 and 3, in paragraphs 9 and 10 for all switch designations; in Late-Filed Deposition Exhibit 13, on page 1, in lines 12 and 13, on Late-Filed Deposition Exhibit 14, on page 1, in the Column entitled "ALEC" and all ALEC names; in Late-Filed Deposition Exhibit 16, in the Attachment pages 1-4, in the Column entitled "Code Holder Name;" on Late-Filed Deposition Exhibit 29, on Attachment pages 1 and 2, in the Column entitled "Collocator" and all ALEC names, and in Late-Filed Hearing Exhibit

40, in the Attachment pages 1-3, in the Columns entitled "Group" or "CLEC," and all CLEC names.

Finally, in the Late-Filed Deposition Exhibit 4 of William N. Stacy, BellSouth seeks confidential treatment of the information on the Attachment page 1, for the ALEC names and Central Office Designations; in Late-Filed Deposition Exhibit 5, on page 7, for the Chart Title and contents, on pages 8-11, in the Columns entitled "Installed" and "Required," on page 12, for the Chart Title and contents, on pages 13 and 14, in the Columns entitled "Installed" and "Required," on page 1, in lines 3-8, and 10-13, on pages 3-4, for the Chart Title and contents, and on pages 5 and 6, in the Columns entitled "Installed" and "Required." In Stacy's Late-Filed Deposition Exhibit 6, BellSouth seeks confidential treatment of the information on pages 1-10, for the ALEC Name, the information following RESP: and TGSN:, for the central office designations on line 5 or 6, for the information in the Columns entitled "In-SVC," "REQ," and "FCST," on pages 12, and 14-29, for the ALEC names, the information following RESP:, TGSN:, and Screen Key(s):, central office designations on line 5 or 6, and for information in the Columns entitled "IN-SVC," "REQ," and "FCST;" in Late-Filed Deposition Exhibit 7, on pages 32-42, 36, 38-43, 45-60, 62-88, and 90-161, for the ALEC names, the information following RESP:, TGSN:, and SCREEN KEY(S):; the central office designations of line 5 or 6, the information in the Columns entitled "IN-SVC," "REQ," and "FCST;" and in Late-Filed Deposition Exhibit 8, on page 1, for all references to an ALEC.

BellSouth asserts that this information is customer-specific proprietary confidential information. BellSouth states that it is prohibited from disclosing this information by Section 364.24, Florida Statutes, without a customer's permission. BellSouth states that all of this information pertains to the numbers and types of services purchased from BellSouth by other companies. BellSouth further asserts that this information is used by BellSouth and its customers in conducting their business, that BellSouth strives to keep this information secret, and that the information has not already been disclosed.

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 could be detrimental to BellSouth's operations. Also, any customer-specific information should be protected in

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accordance with Section 364.24(2), Florida Statutes. As such, BellSouth's request for confidential treatment is hereby granted.

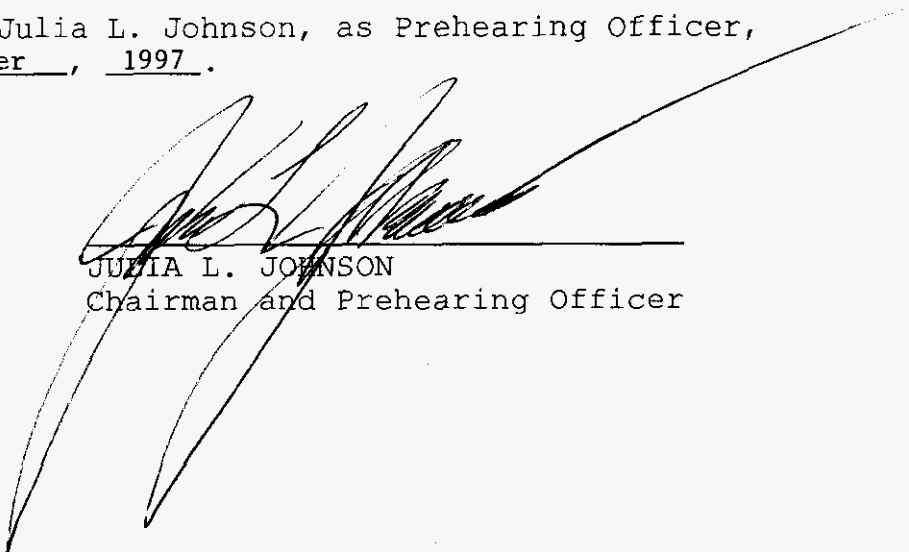
Based on the foregoing, it is therefore

ORDERED by Chairman Julia L. Johnson, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s September 10, 1997, and September 11, 1997, Requests for Confidential Treatment of Document No. 09168-97, and referenced Document Nos. 08802-97 and 08482-97; Document No. 09261-97, and referenced Document Nos. 08839-97, 08863-97, and 08884-978; Document No. 09264-97, and referenced Document Nos. 08523-97, 08757-97, 08917-97, and 09067-97; and Document No. 09267-97, and referenced Document Nos. 08521-97 and 08614-97 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 5th Day of November, 1997.



JULIA L. JOHNSON  
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 120.569(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.