

MEMORANDUM

January 7, 1998

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1:55

FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (B. KEATING) *BK*
RE: DOCKET NO. 921074-TP - PETITION OF INTERMEDIA
COMMUNICATIONS OF FLORIDA, INC. FOR EXPANDED
INTERCONNECTION FOR AAVS WITHIN LEC CENTRAL OFFICES

PSC - 98-0659-CFO-TP

Attached is an ORDER GRANTING BELLSOUTH TELECOMMUNICATIONS, INC.'S REQUEST FOR CONFIDENTIAL TREATMENT OF DOCUMENT NO. 09430-93 to be issued in the above-referenced docket. (Number of pages in Order - 3)

BK/anr
Attachment
cc: Division of Communications
I: 921074c.bk

*faxed - 24/2.
mailed - 1*

MUST GO TODAY

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Intermedia
Communications of Florida, Inc.
for expanded Interconnection for
AAVS within LEC Central Offices.

DOCKET NO. 921074-TP
ORDER NO. PSC-98-0059-CFO-TP
ISSUED: January 8, 1998

ORDER GRANTING BELLSOUTH TELECOMMUNICATIONS, INC.'S
REQUEST FOR CONFIDENTIAL TREATMENT OF DOCUMENT NO. 09430-93

On October 16, 1992, Intermedia Communications of Florida, Inc. (Intermedia or ICI) filed a petition seeking authorization for Alternative Access Vendors (AAVs) to provide certain services through collocation arrangements in local exchange company (LEC) central offices. In order to address Intermedia's petition, broader questions regarding private line and special access expanded interconnection had to be resolved. In Phase I of this proceeding we addressed expanded interconnection for special access and private line. Phase II was devoted to expanded interconnection for switched access.

On September 1, 1993, BellSouth Telecommunications, Inc. (BellSouth) filed a request for confidential classification of some of its responses to Staff's Third Set of Interrogatories, dated July 28, 1993, Document No. 09430-93. Specifically, BellSouth requested confidential treatment of portions of its responses to Interrogatory Nos. 54 and 55.

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.

In its response to Interrogatory 54, BellSouth seeks confidential treatment of the information on page 1, the line identified as Switched Access, in the columns

1990-1992
DOCUMENT NUMBER-DATE

00413 JAN-8 88

FPSC-RECORDS/REPORTING

ORDER NO. PSC-98-0059-CFO-TP
DOCKET NO. 921074-TP
PAGE 2

identified portion contains information regarding BellSouth's switched access local transport recurring costs. In its response to Interrogatory 55, BellSouth seeks confidential treatment of the information on page 1, the line identified as Switched Access, in the columns 1990-1992. BellSouth asserts that the identified portion of its response discloses BellSouth's percentage of contribution derived from the switched access local transport services identified in the response.

BellSouth states that the identified information reflects data which would be valuable to present and future competitors in formulating strategic plans for entry into the local and switched access markets. Public disclosure of this information would impair BellSouth's competitive interests. BellSouth further asserts that it treats this information as proprietary confidential business information.

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 impair BellSouth's ability to compete. As such, it shall be granted confidential treatment.

Based on the foregoing, it is therefore

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s September 1, 1993, Request for Confidential Classification of Document No. 09430-93, is hereby granted. It is further

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.

ORDER NO. PCO-98-0059-CFO-TP
DOCKET NO. 921074-TP
PAGE 3

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 8th day of January, 1998.


J. TERRY DEASON, Commissioner and
Prehearing Officer

(S E A L)

BK

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.

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.