

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by MCImetro Access) DOCKET NO. 000649-TP
Transmission Services LLC and MCI) ORDER NO. PSC-00-2286-CFO-TP
WorldCom Communications, Inc. for) ISSUED: November 30, 2000
arbitration of certain terms and)
conditions of a proposed agreement)
with BellSouth Telecommunications,)
Inc. concerning interconnection)
and resale under the Telecommuni-)
cations Act of 1996.)
_____)

ORDER GRANTING WORLDCOM'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF
DOCUMENTS NOS. 11112-00, 12823-00, AND 13739-00

On October 26, 2000, MCImetro Access Transmission Services LLC and MCI WorldCom Communications, Inc. (WorldCom) filed a Request for Confidential Classification of Hearing Exhibit 16, Document No. 12823-00 and cross referenced Documents Nos. 11112-00 and 13739-00, which are pages 47 and 48 of Witness Don Price's rebuttal testimony. No objections were filed to the Request.

WorldCom asserts that this exhibit contains detailed information regarding WorldCom's deployment and capacity of certain telecommunications technology and equipment in specific areas in Florida, the number of its collocation arrangements, and the number of BellSouth wire centers in which the collocation arrangements have been established. WorldCom states that it treats this information as private and that it has not been generally disclosed. WorldCom argues that disclosure of this information would provide its competitors and potential competitors with an advantage in knowing its specific business strategies. WorldCom further asserts that this information is valuable to its competitors in formulating their own strategies. Thus, WorldCom believes it should be classified as confidential business information pursuant to Section 364.183(3)(e), Florida Statutes.

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

DOCUMENT NUMBER-DATE

15315 NOV 30 8

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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.

Based on the definition of proprietary confidential business information in Section 364.183(3), Florida Statutes, it appears that the information for which WorldCom seeks confidential classification is information that if disclosed, would cause harm to WorldCom or its ratepayers by impairing WorldCom's ability to compete. Disclosure of this detailed information would impair the competitive business of WorldCom. Thus, this information qualifies as proprietary business information under Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. As such, WorldCom's request for confidential treatment is hereby granted.

Based on the foregoing, it is therefore

ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that MCImetro Access Transmission Services LLC and MCI WorldCom Communications, Inc. October 26, 2000, Request for Confidential Classification of Hearing Exhibit 16, Document No. 12823-00 and cross referenced Documents Nos. 11112-00 and 13739-00, is 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.

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By ORDER of Commissioner Lila A. Jaber as Prehearing Officer,
this 30th day of November, 2000.



LILA A. JABER
Commissioner 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.

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.

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Number of Originals 3 Date 12 / 1 / 10 Copies Per Original 16
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Item Presented

Agenda For (Date) _____ Order No. 00-2286 In Docket No. 000649
Notice of _____ For (Date) _____ In Docket No. _____
Other _____

Special Handling Instructions

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11/29/00*****3:12 PM*****Matilda Sanders*****1

Matilda Sanders

CFU 2286

From: Lysa White
Sent: Wednesday, November 29, 2000 3:12 PM
To: RAR - Orders-Notices
Cc: Susan Howard
Subject: Order in DN 000649

3 P40

The order created in WP9 and saved as i:\000649ct.pac has been electronically transferred to Records. Since the order was signed by a commissioner, a hard copy will be hand-delivered to Records this afternoon.

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