

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by DIECA  
Communications, Inc. d/b/a Covad  
Communications Company for  
arbitration of unresolved issues  
in interconnection agreement  
with BellSouth  
Telecommunications, Inc.

DOCKET NO. 001797-TP  
ORDER NO. PSC-01-1340-CFO-TP  
ISSUED: June 19, 2001

ORDER GRANTING BELLSOUTH'S REQUEST FOR CONFIDENTIAL  
CLASSIFICATION OF EXHIBIT WBS-1 (UNBUNDLED NETWORK ELEMENT COST  
STUDIES) (DOCUMENT NO. 06013-01)

Pursuant to Section 252 of the Telecommunications Act of 1996 (Act), DIECA Communications, Inc. d/b/a Covad Communications Company (Covad) petitioned for arbitration with BellSouth Telecommunications, Inc. (BellSouth) on December 15, 2000. On January 9, 2001, BellSouth filed its Response to Covad's petition for arbitration. This matter is currently set for an administrative hearing on June 27-29, 2001.

Pursuant to Section 364.183, Florida Statutes, BellSouth filed a Request for Confidential Classification of Exhibit WBS-1 (Unbundled Network Element Cost Studies), which is attached to the direct testimony filed by William Bernard Shell and contained in Document No. 06013-01. This request for confidential classification was filed on May 14, 2001. BellSouth asserts that information contained in Exhibit WBS-1 contains vendor-specific information, cost information and confidential business information that is considered confidential and proprietary to BellSouth.

INFORMATION FOR WHICH CONFIDENTIAL CLASSIFICATION IS SOUGHT

BellSouth asserts that the information in the Table 1 and Table 2 below should be classified as confidential. Specifically, BellSouth states that the UNE Cost Study reflects vendor specific pricing negotiated by BellSouth. Further, BellSouth asserts that the public disclosure of this information would harm BellSouth's business operations because it would impair BellSouth's ability to contract for goods and/or services on favorable terms.

DOCUMENT NUMBER-DATE

07601 JUN 19 2001

**TABLE 1: EXHIBIT WBS-1 OF THE DIRECT TESTIMONY OF WILLIAM BERNARD SHELL (COMPACT DISK OF UNE COST STUDY)**

<u>ITEM</u>	<u>FILE NAME</u>	<u>DESCRIPTION</u>
Compact Disk	MDF.FUND.xls	UNE Cost Study
	Flphycol.xls	UNE Cost Study
	FLPCpot.xls	UNE Cost Study
	Flpckey.xls	UNE Cost Study
	FlcollRT.xls	UNE Cost Study
	FLLineSH.xls	UNE Cost Study
	Fladjhc.xls	UNE Cost Study

**TABLE 2: EXHIBIT WBS-1 OF THE DIRECT TESTIMONY OF WILLIAM BERNARD SHELL (PAPER COPY OF UNE COST STUDY)**

<u>ITEM</u>	<u>PAGE NO.</u>	<u>COLUMN</u>	<u>LINES</u>
PAPER COPY (UNE Cost Study)	423	L	41-51
	425	L	133-136
	426	F	18, 19, 34, 36, 39, 41, 46, 48, 51, 53, 58, 59, 61 and 63
	427	F	68, 69, 71, 73, 88, 90, 92, 94, 96, 98, 103, 105, 107, 109, 111, 113, 118 and 119
	428	F	128 and 129

<u>ITEM</u>	<u>PAGE NO.</u>	<u>COLUMN</u>	<u>LINES</u>
	429	C	10-20
	431	E	11 and 13
	434	E	11, 15, 23 and 27
	435	E	11, 15, 23 and 27
	436	E	11, 13, 19 and 23
	437	E	11, 13, 19 and 23
	438	E	11, 15, 21, 25, 31 and 35
	440	E	11, 15, 21, 25, 31 and 35
	441	E	19 and 21
	442	E	12, 14, 24, 26, 28, 30 and 32
	443	E	11 and 13
	444	E	11, 13, 15 and 17
	452	E	12, 14, 16, 18, 24, 26, 28, 30, 36, 38, 40, 42, 44, 46, 52, 54, 56, 58, 60 and 62

<u>ITEM</u>	<u>PAGE NO.</u>	<u>COLUMN</u>	<u>LINES</u>
	453	E	67, 68, 74, 75, 79, 80, 84, 85, 88, 89, 97, 98, 104, 105, 109, 110, 114, 115, 118, and 119
	454	E	10, 11, 15 and 16
	455	E	10, 11, 15 and 16
	456	E	10, 11, 15, 16, 20 and 21
	457	E	10, 11, 15, 16, 20 and 21
	458	E	10, 11, 21, 22, 29, 30, 34, 37, 43 and 44
	459	E	10, 11, 21, 22, 29, 30, 37, 38, 43 and 44
	466	L	11-14
	467	E	10, 12, 14, and 16
	468	E	10, 12, 14 and 16

<u>ITEM</u>	<u>PAGE NO.</u>	<u>COLUMN</u>	<u>LINES</u>
	476	G	19, 21, 24, 26, 31, 33, 36, 38, 43, 44, 46, 48, 53, 54, 56, 58, 63, 65, 67, 69, 71, 73, 78, 80, 82 and 84
	477	G	86 and 88
	480	D	10, 14, 22 and 26
	482	D	10, 14, 22 and 26
	483	D	10, 12, 18 and 22
	484	D	10, 12, 18 and 22
	485	D	10, 14, 20, 24, 30 and 34
	486	D	10, 14, 20, 24, 30 and 34
	493	L	11-14
	494	F	14, 15, 21, 22, 28 and 29
	495	E	9, 11, 26, 28, 43 and 45
	496	E	10, 12, 14 and 16

<u>ITEM</u>	<u>PAGE NO.</u>	<u>COLUMN</u>	<u>LINES</u>
	512	F	13, 14, 18, 19, 23, 24, 28, 29, 35, 36, 37, 40, 41, 45, 46, 50 and 51
	513	E	10, 12, 22, 24, 36, 38, 48 and 50
	514	E	10, 12, 22, 24, 36, 38, 48 and 50

CONCLUSION

Pursuant to Section 119.01, Florida Statutes, it is presumed 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.

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

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Administrative Code. As such, BellSouth's request for confidential treatment is hereby granted.

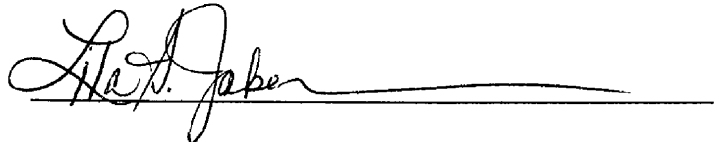
Based on the foregoing, it is

ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s May 14, 2001, Request for Confidential Treatment of Document No. 06013-01 is hereby granted, as set forth in the body of this Order.

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 Commissioner Lila A. Jaber, as Prehearing Officer, this 19th day of June, 2001.



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

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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.