

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-01-1966-CFO-TL
ISSUED: October 3, 2001

ORDER GRANTING BELLSOUTH'S REQUESTS
FOR CONFIDENTIAL CLASSIFICATION OF
DOCUMENT NOS. 07741-01 (X-REF DOCUMENT NOS. 06857-01, 06858-01),
10997-01 AND 11303-01 (X-REF DOCUMENT NOS. 10283-01, 10284-01)

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. The matter was set for hearing.

After hearing, having considered the record, by Order No. PSC-97-1459-FOF-TL, issued November 19, 1997, we rendered findings on whether BellSouth had met the requirements of Section 271(c). Specifically, we found that BellSouth was not eligible to proceed under Track B at that time, because it had received qualifying requests for interconnection that if implemented would meet the requirements of Section 271(c)(1)(A), also known as Track A. Our evaluation of the record on whether BellSouth met the requirements of Section 271(c)(1)(A) indicated that while there was a competitive alternative in the business market, there was not sufficient evidence to determine whether there was a competitive alternative in the residential market. Thus, based on the evidence in the record, we found that BellSouth had not met all of the requirements of Section 271(c)(1)(A).

BellSouth has filed several Requests for Confidential Classification pursuant to Rule 25-22.006, Florida Administrative Code, listed herein:

DOCUMENT NUMBER-DATE

12524 OCT-30

FSC-2001-0001-0001-0001

1. On June 21, 2001, BellSouth filed a Request for Confidential Classification of Document No. 07741-01. This request seeks confidential classification of information in Exhibit No. DDC-1 to Daonne Caldwell's Direct testimony and Exhibit No. CKC-4 to Cynthia Cox's Direct testimony.
2. On September 4, 2001, BellSouth filed a Request for Confidential Classification of Document No. 10997-01. This requests seeks confidential classification of BellSouth's Responses to AT&T's First Request for Production of Documents Nos. 2, 14 and 36.
3. On September 10, 2001, BellSouth filed a Request for Confidential Classification of Document No. 11303-01. This request seeks confidential classification of Revised Exhibit DDC-1 (UNE Cost Studies) to Daonne Caldwell's Surrebuttal Testimony and selected portions of Ken Ainsworth's Surrebuttal testimony.

Attachment A contains an explanation of the proprietary information along with a list that identifies the location of the information designated by BellSouth as confidential. Specifically, BellSouth asserts that the information contained in these exhibits includes vendor-specific pricing information, confidential business information and customer proprietary information. Further, BellSouth contends that the public disclosure of this information would provide competitors with an unfair advantage in future negotiations.

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.

ORDER NO. PSC-01-1966-CFO-TL
DOCKET NO. 960786-TL
PAGE 3

Upon review, it appears that the information for which BellSouth seeks confidential classification in Attachment A is information that if disclosed, would cause harm to BellSouth or its ratepayers by impairing BellSouth's ability to compete. Therefore, I find that BellSouth's requests comply with Rule 25-22.006, Florida Administrative Code, and Section 364.183, Florida Statutes, and is hereby granted.


It is therefore,

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s, Requests for Confidential Classification of Document Nos. 07741-01, 10997-01 and 11303-01, as set forth in Attachment A is hereby granted and incorporated by reference into this Order. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to 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 J. Terry Deason as Prehearing Officer, this 3rd day of October, 2001.



J. TERRY DEASON
Commissioner and Prehearing Officer

(S E A L)

FRB

ORDER NO. PSC-01-1966-CFO-TL
DOCKET NO. 960786-TL
PAGE 4

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 the Commission Clerk and Administrative Services, 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.

BellSouth Telecommunications, Inc.
FPSC Docket No. 960786-TL
Request for Confidential Classification
Page 1 of 4
6/21/01

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S
UNBUNDLED NETWORK ELEMENT (UNE) COST STUDIES FILED AS
EXHIBIT DDC-1 TO THE DIRECT TESTIMONY DAONNE CALDWELL ON
MAY 31, 2001, IN FLORIDA DOCKET NO. 960786-TL.**

Explanation of Proprietary Information

1. This information reflects vendor specific pricing negotiated by BellSouth. 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. Pursuant to Section 364.183, Florida Statutes, such information is classified as proprietary, confidential business information which is exempt from Section 119.07 (1) and Section 24(a), Art.1 of the State Constitution.

COMPACT DISK

PROPRIETARY COST STUDY FILING CD

<u>FILE NAME</u>	<u>BASIS</u>
MDF_FUND.xls	1
Flphycol.xls	1
FLPCpot.xls	1
Flpckey.xls	1
FLCollRT.xls	1
FLLineSh.xls	1
Fladjphc.xls	1
FLAsmbPT.xls	1
Ds1_calc.xls	1

PAPER COPY

<u>PAGE NO.</u>	<u>COLUMN</u>	<u>LINE</u>	<u>BASIS</u>
1813	L	41 thru 51	1
1815	L	133 thru 136	1
1816	F	18,19,34,36,39, 41	1

ATTACHMENT A

BellSouth Telecommunications, Inc.
FPSC Docket No. 960786-TL
Request for Confidential Classification
Page 2 of 4
6/21/01

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S
UNBUNDLED NETWORK ELEMENT (UNE) COST STUDIES FILED AS
EXHIBIT DDC-1 TO THE DIRECT TESTIMONY DAONNE CALDWELL ON
MAY 31, 2001, IN FLORIDA DOCKET NO. 960786-TL .**

<u>PAGE NO.</u>	<u>COLUMN</u>	<u>LINE</u>	<u>BASIS</u>
1817	F	46,48,51,53,58,59, 61 and 63 68,69,71,73,88,90 92,94,96,98,103,105 107,109,111,113, 118 and 119	1
1818	F	128, 129	1
1819	C	10 thru 20	1
1821	E	11 and 13	1
1824	E	11,15,23 and 27	1
1825	E	11,15,23 and 27	1
1826	E	11,13,19 and 23	1
1827	E	11,13,19 and 23	1
1828	E	11,15, 21,25,31 and 35	1
1830	E	11,15,21,25,31 and 35	1
1831	E	19 and 21	1
1832	E	12,14,24,26,28,30 and 32	1
1833	E	11 and 13	1
1834	E	11,13,15 and 17	1
1842	E	12,14,16,18,24,26, 28,30,36,38,40, 42,44,46,52,54,56,58, 60 and 62	1
1843	E	67,68,74,75,79,80,84, 85,88,89,97,98,104, 105,109,110,114,	1

ATTACHMENT A

ORDER NO. PSC-01-1966-CFO-TL
DOCKET NO. 960786-TL
PAGE 7

BellSouth Telecommunications, Inc.
FPSC Docket No. 960786-TL
Request for Confidential Classification
Page 3 of 4
6/21/01

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S
UNBUNDLED NETWORK ELEMENT (UNE) COST STUDIES FILED AS
EXHIBIT DDC-1 TO THE DIRECT TESTIMONY DAONNE CALDWELL ON
MAY 31, 2001, IN FLORIDA DOCKET NO. 960786-TL.**

<u>PAGE NO.</u>	<u>COLUMN</u>	<u>LINE</u>	<u>BASIS</u>
		115,118 and 119	
1844	E	10,11,15 and 16	1
1845	E	10,11,15 and 16	1
1846	E	10,11,15,16,20 and 21	1
1847	E	10,11,15,16,20 and 21	1
1848	E	10,11,21,22,29,30,37, 38,43 and 44	1
1849	E	10,11,21,22,29,30,37, 38,43 and 44	1
1856	L	11 thru 14	1
1857	E	10,12,14, and 16	1
1858	E	10,12,14, and 16	1
1865	G	12,13,17,18,22,23,27,28 34,35,39,40,44,45,49 and 50	1
1866	G	56,57,61,62,66,67,71, 72,75,79 and 80	1
1868	C	9,10,17,18,25,26,33 and 40	1
1870	C	9,10,17,18,25,26,33 and 34	1
1871	C	9,10,17,18,25,26,33,34, 39,40,48 and 49	1
1879	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	1
1880	G	86 and 88	1

ATTACHMENT A

ORDER NO. PSC-01-1966-CFO-TL
DOCKET NO. 960786-TL
PAGE 8

BellSouth Telecommunications, Inc.
FPSC Docket No. 960786-TL
Request for Confidential Classification
Page 4 of 4
6/21/01

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S
UNBUNDLED NETWORK ELEMENT (UNE) COST STUDIES FILED AS
EXHIBIT DDC-1 TO THE DIRECT TESTIMONY DAONNE CALDWELL ON
MAY 31, 2001, IN FLORIDA DOCKET NO. 960786-TL.**

<u>PAGE NO.</u>	<u>COLUMN</u>	<u>LINE</u>	<u>BASIS</u>
1883	D	10,14,22 and 26	1
1885	D	10,14,22 and 26	1
1886	D	10,12,18 and 22	1
1887	D	10,12,18 AND 22	1
1888	D	10,14,20,24,30 and 34	1
1889	D	10,14,20,24,30 and 34	1
1896	L	11 thru 14	1
1897	F	14,15,21,22,28 and 29	1
1898	E	9,11,26,28,43 and 45	1
1899	E	10,12,14 and 16	1
1915	F	13,14,18,19,23,24,28, 29,35,36,40,41,45, 46,50 and 51	1
1916	E	10,12,22,24,36,38, 48 and 50	1
1917	E	10,12,22,24,36,38, 48 and 50	1

ATTACHMENT A

ORDER NO. PSC-01-1966-CFO-TL
DOCKET NO. 960786-TL
PAGE 9

BellSouth Telecommunications, Inc.
FPSC Docket No. 960786-TL
Request for Confidential Classification
Page 1 of 4
6/21/01

REQUEST FOR CONFIDENTIAL CLASSIFICATION OF EXHIBIT WV-5, VW-6, VW-7, VW-8, VW-10 TO THE AFFIDAVIT OF VICTOR WAKELING FILED AS AN ATTACHMENT TO THE DIRECT TESTIMONY OF CINDY COX ON MAY 31, 2001 IN FLORIDA DOCKET NO. 960786-TL.

Explanation of Proprietary Information

1. The information is proprietary to BellSouth and includes Alternate Local Exchange Company's (ALEC's) specific information. The Commission has always zealously protected customer specific information in order to protect the customer's privacy and prevent a competitor of the customer from obtaining an unfair advantage. This information is clearly confidential and proprietary under Florida Statutes, Section 364.183 and Rule 25-22.006, Florida Administrative Code. Pursuant to Section 364.183, Florida Statutes, such information is classified as proprietary, confidential business information which is exempt from Section 119.07(1) and Section 24(a), Art.1 of the State Constitution. In addition, this information is protected by Order No. PSC-01-1033-PCO-TL issued on April 27, 2001 by the Prehearing Officer.

EXHIBIT VW-5

<u>PAGE NO.</u>	<u>Column</u>	<u>LINES</u>	<u>REASON</u>
1	B	1 - 56	1
	C	1-56	1
	D	1-56	1
	E	1-56	1
	F	1-56	1
	G	1-56	1
	2	B	1-48
C		1-48	1
D		1-48	1
E		1-48	1
F		1-48	1
G		1-48	1
3	B	49-67	1
	C	49-67	1
	D	49-67	1
	E	49-67	1
	F	49-67	1
	G	49-67	1

ATTACHMENT A

ORDER NO. PSC-01-1965-CFO-TL
DOCKET NO. 960786 TL
PAGE 10

BellSouth Telecommunications, Inc.
FPSC Docket No. 960786-TL
Request for Confidential Classification
Page 2 of 4
6/21/01

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF EXHIBIT WV-5, VW-6, VW-7,
VW-8, VW-10 TO THE AFFIDAVIT OF VICTOR WAKELING FILED AS AN
ATTACHMENT TO THE DIRECT TESTIMONY OF CINDY COX ON MAY 31, 2001 IN
FLORIDA DOCKET NO. 960786-TL.**

EXHIBIT VW-6

<u>PAGE NO.</u>	<u>Column</u>	<u>LINES</u>	<u>REASON</u>
1	B	1-45, 47-57	1
	C	1-45, 47-57	1
	D	1-45, 47-57	1
	E	1-45, 47-57	1
	F	1-45, 47-57	1
	G	1-45, 47-57	1
	2	B	1-48
C		1-48	1
D		1-48	1
E		1-48	1
F		1-48	1
G		1-48	1
3		B	49-67
	C	49-67	1
	D	49-67	1
	E	49-67	1
	F	49-67	1
	G	49-67	1

ATTACHMENT A

ORDER NO. PSC-01-1966-CFO-TL
DOCKET NO. 960786-TL
PAGE 11

BellSouth Telecommunications, Inc.
FPSC Docket No. 960786-TL
Request for Confidential Classification
Page 3 of 4
6/21/01

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF EXHIBIT WV-5, VW-6,
VW-7, VW-8, VW-10 TO THE AFFIDAVIT OF VICTOR WAKELING FILED AS AN
ATTACHMENT TO THE DIRECT TESTIMONY OF CINDY COX ON MAY 31, 2001
IN FLORIDA DOCKET NO. 960786-TL.**

EXHIBIT VW-7

<u>PAGE NO.</u>	<u>Column</u>	<u>LINES</u>	<u>REASON</u>
1	B	1-32	1
	C	1-32	1
	D	1-32	1
	E	1-32	1
	F	1-32	1
	G	1-32	1
	H	1-32	1
	I	1-32	1
	J	1-32	1
2	B	33-56	1
	C	33-56	1
	D	33-56	1
	E	33-56	1
	F	33-56	1
	G	33-56	1
	H	33-56	1
	I	33-56	1
	J	33-56	1

EXHIBIT VW-8

<u>PAGE NO.</u>	<u>Column</u>	<u>LINES</u>	<u>REASON</u>
1	B	1-32	1
	C	1-32	1
	D	1-32	1
	E	1-32	1
	F	1-32	1
	G	1-32	1
	H	1-32	1

ATTACHMENT A

ORDER NO. PSC-01-1966-CFO-TL
DOCKET NO. 960786-FL
PAGE 12

BellSouth Telecommunications, Inc.
FPSC Docket No. 960786-TL
Request for Confidential Classification
Page 4 of 4
6/21/01

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF EXHIBIT WV-5, VW-6, VW-7,
VW-8, VW-10 TO THE AFFIDAVIT OF VICTOR WAKELING FILED AS AN
ATTACHMENT TO THE DIRECT TESTIMONY OF CINDY COX ON MAY 31, 2001 IN
FLORIDA DOCKET NO. 960786-TL.**

<u>PAGE NO.</u>	<u>Column</u>	<u>LINES</u>	<u>REASON</u>
2	B	33-45, 47-57	1
	C	33-45,47-57	1
	D	33-45, 47-57	1
	E	33-45, 47-57	1
	F	33-45, 47-57	1
	G	33-45, 47-57	1
	H	33-45, 47-57	1

EXHIBIT VW-10

<u>PAGE NO.</u>	<u>Column</u>	<u>LINES</u>	<u>REASON</u>
1	C	1-40	1
2	C	41-80	1
3	C	81-120	1
4	C	121-136	1

ORDER NO. PSC-01-1966-CFO-TL
DOCKET NO. 960786-TL
PAGE 13

BellSouth Telecommunications, Inc.
FPSC Docket No. 960786-TL
Request for Confidential Classification
Page 1 of 2
9/04/01

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S RESPONSE
TO AT&T'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS REQUEST NO.
2, 14 and 36 FILED AUGUST 7, 2001 IN FLORIDA DOCKET NO. 960786-TL**

Explanation of Proprietary Information

1. This information reflects customer specific information, and network information that is commercially sensitive that should not be disclosed to the public. Public disclosure of such confidential information could substantially harm the competitive position of BellSouth by assisting competitors in analyzing market opportunities, and in preparing marketing strategies to use in direct competition with BellSouth. Pursuant to Section 364.183, Florida Statutes, such information is classified as proprietary, confidential business information which is exempt from Section 119.07(1) and Section 24(a), Art.1 of the State Constitution.
2. This information is the floor plans of BellSouth central offices. These plans are considered to be proprietary and confidential business information. These offices have limited access and are the central focal point of telecommunications in their geographic location. Public disclosure of this information would impair BellSouth's ability to keep these offices and the communication network secure. This information is valuable, it is used by BellSouth in conducting its business and BellSouth strives to keep it secret. Therefore, such information is trade secret which should be classified as proprietary, confidential business information pursuant to Section 364.183, Florida Statutes and is exempt from the Open Records Act.
3. The information requested concerns competitive business information. This information if released would be unfair to BellSouth for it would allow competition to have free access to intellectual property which was developed at significant expense to BellSouth. Thus, the disclosure of this information to BellSouth's competitors would impair BellSouth's ability to compete and the information is entitled to confidential classification pursuant to Section 364.183, Florida Statutes. In addition, this information, which BellSouth keeps as trade secrets, is valuable because it is used by BellSouth in conducting its business. Pursuant to Section 364.183, Florida Statutes, such information is classified as proprietary, confidential business information which is exempt from Section 119.07(1) and Section 24(a), Art.1 of the State Constitution.

ATTACHMENT A

ORDER NO. PSC-01-1966-CFO-TL
DOCKET NO. 960786-TL
PAGE 14

BellSouth Telecommunications, Inc.
FPSC Docket No. 960786-TL
Request for Confidential Classification
Page 2 of 2
9/4/01

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S RESPONSE
TO AT&T'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS REQUEST NO.
2, 14 and 36 FILED AUGUST 7, 2001 IN FLORIDA DOCKET NO. 960786-TL**

POD No. 2

<u>Page No.</u>	<u>Reason</u>
Entire Documents	1

POD No.14

<u>Page No.</u>	<u>Reason</u>
Entire Document	2

POD No.36

<u>Page No.</u>	<u>Reason</u>
Entire Document	3

ATTACHMENT A

JRDER NO. PSC-01-1966-CFO-TL
DOCKET NO. 960786-TL
PAGE 15

BellSouth Telecommunications, Inc.
FPSC Docket No. 960786-TL
Request for Confidential Classification
Page 1 of 2
9/10/01

REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S UNBUNDLED NETWORK ELEMENT (UNE) COST STUDIES FILED AS REVISED EXHIBIT DDC-1 TO THE SURREBUTTAL TESTIMONY OF DAONNE CALDWELL, AND A REQUEST FOR CONFIDENTIAL CLASSIFICATION OF THE SURREBUTTAL TESTIMONY OF KEN L. AINSWORTH FILED ON AUGUST 20, 2001, IN FLORIDA DOCKET NO. 960786-TL.

Explanation of Proprietary Information

1. This information reflects vendor specific pricing negotiated by BellSouth. 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. Pursuant to Section 364.183, Florida Statutes, such information is classified as proprietary, confidential business information which is exempt from Section 119.07 (1) and Section 24(a), Art.1 of the State Constitution.
2. The information is proprietary to BellSouth and includes data containing customer specific information. The Commission has always zealously protected customer specific information in order to protect the customer's privacy and prevent a competitor of the customer from obtaining an unfair advantage. Pursuant to Section 364.183, Florida Statutes, such information is classified as proprietary, confidential business information which is exempt from Section 119.07 (1) and Section 24(a), Art.1 of the State Constitution.

ATTACHMENT A

ORDER NO. PSC-01-1966-CFO-TL
DOCKET NO. 960786-TL
PAGE 16

BellSouth Telecommunications, Inc.
FPSC Docket No. 960786-TL
Request for Confidential Classification
Page 2 of 2
9/10/01

LOCATION

COMPACT DISK

PROPRIETARY COST STUDY FILING CD

<u>FILE NAME</u>	<u>BASIS</u>
MDF_FUND.xls	1
Flphyscol.xls	1
FLPCpot.xls	1
Flpckey.xls	1
FLCollRT.xls	1
FLLineSh.xls	1
Fladjphc.xls	1
FLAsmbPT.xls	1
Ds1_calc.xls	1

<u>TESTIMONY</u>	<u>BASIS</u>
PAGE 9, LINE 16	2
PAGE 10, LINE 7	2