

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 Telecommuni-
cations Act of 1996.

DOCKET NO. 960786-A-TL
ORDER NO. PSC-01-2486-CFO-TL
ISSUED: December 20, 2001

ORDER GRANTING BELLSOUTH'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF DOCUMENT NOS. 12970-01
(CD-ROM FORMAT) (X-REF DOCUMENT NOS. 11710-01,
11828-01, AND 12975-01) AND 12975-01
(X-REF DOCUMENT NOS. 11710-01, 11828-01, AND 12970-01)

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).

DOCUMENT NUMBER DATE

15866 DEC 20 01

FPCO-CONFIDENTIAL CLERK

On March 6, 2001, BellSouth filed a Motion to Request Scheduling Conference. On March 28, 2001, a status conference was conducted with all of the parties. Thereafter, by Order No. PSC-01-0832-PCO-TL, issued March 30, 2001, the schedule for this proceeding was established. A hearing was conducted in this matter on October 11-12 and 17-18, 2001.

On October 11, 2001, BellSouth filed two Requests for Confidential Classification pursuant to Rule 25-22.006, Florida Administrative Code, listed herein:

1. BellSouth filed a Request for Confidential Classification of Document No. 12970-01. This request seeks confidential classification of information in BellSouth's Responses to Staff's Third Request for Production of Documents, Item No. 43 (Attachments 1 and 2 - CD ROMs).
2. BellSouth filed a Request for Confidential Classification of Document No. 12975-01. This request seeks confidential classification of information in BellSouth's Responses to Staff's Third Request for Production of Documents, Item Nos. 19, 21 (Attachments 2, 3, and 4), 23, 24, 25, 27, 28 (Attachments 1 and 2), 29, 30 (Attachment 1), 32, 33 (Attachments 1 and 2), 34 (Attachment 1), 36 (Attachment 3, 4, and 5), 37, 38, 40 (Attachments 1 and 2), 42 (Attachments 1 and 4), and 43 (Attachment 3).

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 and cost information that is proprietary and confidential. Further, BellSouth contends that the public disclosure of this information would damage BellSouth's competitive interests.

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."

ORDER NO. PSC-01-2486-CFO-TL
DOCKET NO. 960786-A-TL
PAGE 3

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.

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 are hereby granted.

Based on the foregoing, it is


ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s, Requests for Confidential Classification of Document Nos. 12970-01 (CD-ROM Format) (X-ref Document Nos. 11710-01, 11828-01, and 12975-01) and 12975-01 (X-ref Document Nos. 11710-01, 11828-01, and 12970-01), 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.

ORDER NO. PSC-01-2486-CFO-TL
DOCKET NO. 960786-A-TL
PAGE 4

By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 20th day of December, 2001.


J. TERRY DEASON
Commissioner and Prehearing Officer

(S E A L)

AJT

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

ORDER NO. PSC-01-2486-CFO-TL

DOCKET NO. 960786-A-TL

PAGE 5

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.

ATTACHMENT A

**BellSouth Telecommunications, Inc.
FPSC Docket No. 960786-A-TL
Request for Confidential Classification
Page 1 of 2
10/11/01**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S RESPONSE
TO STAFF'S 3RD REQUEST FOR PRODUCTION OF DOCUMENTS, ITEM NO. 43
(Attachments 1 and 2, CD ROMs), FILED SEPTEMBER 20,2001 IN FLORIDA
DOCKET NO. 960786-A-TL**

Explanation of Proprietary Information

1. This information reflects vendor specific pricing negotiated by BellSouth. Public disclosure of this information 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 the Open Records Act.
2. This information reflects BellSouth's cost to provide certain services. The public disclosure of this information would provide BellSouth's competitors with an advantage in that they would know the price or rate below which BellSouth could not provide the service, therefore, it would be inequitable and unfair for BellSouth's competitors to have access to BellSouth's cost information. In addition, this information is valuable, it is used by BellSouth in conducting its business and BellSouth strives to keep it secret. Therefore, such information is a trade secret which should be classified as proprietary, confidential business information pursuant to 364.183, Florida Statutes and is exempt from the Open Records Act.

ORDER NO. PSC-01-2486-CFO-TL
DOCKET NO. 960786-A-TL
PAGE 7

ATTACHMENT A

**BellSouth Telecommunications, Inc.
FPSC Docket No. 960786-A-TL
Request for Confidential Classification
Page 2 of 2
10/11/01**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S RESPONSE
TO STAFF'S 3RD REQUEST FOR PRODUCTION OF DOCUMENTS, ITEM NO. 43
(Attachments 1 and 2, CDS), FILED SEPTEMBER 20,2001 IN FLORIDA DOCKET
NO. 960786-A-TL**

Attachments 1 and 2 - CD Roms

<u>Location</u>	<u>Reason</u>
Entire CD	1 and 2

ATTACHMENT A

**BellSouth Telecommunications, Inc.
FPSC Docket No. 960786-A-TL
Request for Confidential Classification
Page 1 of 2
10/11/01**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S RESPONSE
TO STAFF'S 3RD REQUEST FOR PRODUCTION OF DOCUMENTS, ITEM NOS. 19,
21 (Attachments 2, 3 and 4), 23, 24, 25, 27, 28 (Attachments 1 and 2), 29, 30
(Attachment 1), 32, 33 (Attachments 1 and 2), 34 (Attachment 1), 36 (Attachment 3,
4 and 5), 37, 38, 40 (Attachments 1 and 2, 42 (Attachments 1 and 4), and 43
(Attachment 3), FILED SEPTEMBER 19, 2001 IN FLORIDA DOCKET NO. 960786-A-
TL**

Explanation of Proprietary Information

1. This information reflects vendor specific pricing negotiated by BellSouth. Public disclosure of this information 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 the Open Records Act.
2. This information reflects BellSouth's cost to provide certain services. The public disclosure of this information would provide BellSouth's competitors with an advantage in that they would know the price or rate below which BellSouth could not provide the service, therefore, it would be inequitable and unfair for BellSouth's competitors to have access to BellSouth's cost information. In addition, this information is valuable, it is used by BellSouth in conducting its business and BellSouth strives to keep it secret. Therefore, such information is a trade secret which should be classified as proprietary, confidential business information pursuant to 364.183, Florida Statutes and is exempt from the Open Records Act.
3. The information requested contains practices/procedures utilized by BellSouth for provisioning line sharing - BellSouth Owned Splitter. This information if released would allow BellSouth's competitors to have free access to certain intellectual property which was developed at significant expense to BellSouth. BellSouth's competitors can use this information to develop their own strategies without the burden and expense of developing this property for themselves. 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 is valuable as it is used by BellSouth in conducting its business which BellSouth strives to keep as trade secrets. Therefore, this information should be classified as proprietary, confidential business information exempt from the Open Records Act.

ATTACHMENT A

BellSouth Telecommunications, Inc.
FPSC Docket No. 960786-A-TL
Request for Confidential Classification
Page 1 of 2
10/11/01

REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S RESPONSE TO STAFF'S 3RD REQUEST FOR PRODUCTION OF DOCUMENTS, ITEM NOS. 19, 21 (Attachments 2, 3 and 4), 23, 24, 25, 27, 28 (Attachments 1 and 2), 29, 30 (Attachment 1), 32, 33 (Attachments 1 and 2), 34 (Attachment 1), 36 (Attachment 3, 4 and 5), 37, 38, 40 (Attachments 1 and 2, 42 (Attachments 1 and 4), and 43 (Attachment 3), FILED SEPTEMBER 19, 2001 IN FLORIDA DOCKET NO. 960786-A-TL

POD NO. 19

<u>Page No.</u>	<u>Location</u>	<u>Reason</u>
	Column A	1

POD NO. 21, Attachment 2

<u>Page No.</u>	<u>Location</u>	<u>Reason</u>
1	Columns D, E, F, G Lines 7,8153 638,39, 1 and 2 45,4659,60	1 and 2
2	Columns D, E, F, G Lines 74,75109,110	1 and 2

POD NO. 21, Attachment 3

<u>Page No.</u>	<u>Location</u>	<u>Reason</u>
1-4	Columns Virtual Column Physical	1 and 2 1 and 2
	Lines 1-12	1 and 2

POD NO. 21, Attachment 4

<u>Page No.</u>	<u>Location</u>	<u>Reason</u>
	Entire Document	1 and 2

POD NO. 23

<u>Page No.</u>	<u>Location</u>	<u>Reason</u>
1	Lines 1-5	1 and 2

POD NO. 24

<u>Page No.</u>	<u>Location</u>	<u>Reason</u>
1	Lines 1-4	1 and 2

POD NO. 25

<u>Page No.</u>	<u>Location</u>	<u>Reason</u>
1	Bracket 1 Lines 2,3,4	1 and 2 1 and 2

POD NO. 27

<u>Page No.</u>	<u>Location</u>	<u>Reason</u>
1	Entire Page	1 and 2
2,3	Unit Cost Columns Total Columns	1 and 2 1 and 2
4	Column A	1 and 2
5	Computation Column Cost Columns	1 and 2 1 and 2

POD NO. 28, Attachment 1

<u>Page No.</u>	<u>Location</u>	<u>Reason</u>
1,2	Cost Column	1 and 2

POD NO. 28, Attachment 2

<u>Page No.</u>	<u>Location</u>	<u>Reason</u>
1	Cost Column	1 and 2
2	Cost Column	1 and 2
3	Lines 1,2	1 and 2
	Lines 1-10	1 and 2

POD NO. 29

<u>Page No.</u>	<u>Location</u>	<u>Reason</u>
1	Bracket No. 1	1 and 2
3	Cost Column	1 and 2
	FRC Bracket	1 and 2

POD NO. 30

<u>Page No.</u>	<u>Location</u>	<u>Reason</u>
1	Minor Mtl Column	1 and 2
	Avg Column	1 and 2
	Total Column	1 and 2

POD NO. 32

<u>Page No.</u>	<u>Location</u>	<u>Reason</u>
1	Columns F, G	1 and 2
2	Lines 215,216,220-226 227,228,232-234	1 and 2

POD NO. 33, Attachment 1

<u>Page No.</u>	<u>Location</u>	<u>Reason</u>
	Entire Document	1 and 2

POD NO. 33, Attachment 2

<u>Page No.</u>	<u>Location</u>	<u>Reason</u>
	Entire Document	1 and 2

POD NO. 34, Attachment 1

<u>Page No.</u>	<u>Location</u>	<u>Reason</u>
1	Column A	1 and 2
	Column 1	1 and 2
2	Entire Page	1 and 2

POD NO. 36, Attachment 3

<u>Page No.</u>	<u>Location</u>	<u>Reason</u>
1	Columns C	1 and 2
	Lines 7,8,15,16,23,24,27 28,45,46	1 and 2
2	Columns C	1 and 2
	Lines 60-62,74,75,107,108	1 and 2
3	Column C	1 and 2
4	Lines 217,218,222-225, 234-237	1 and 2

POD NO. 36. Attachment 4

<u>Page No.</u>	<u>Location</u>	<u>Reason</u>
1	Lines 7-10,15-18,22-25,29-32 Lines 68,69 1 and 2	1 and 2 1 and 2

POD NO. 36, Attachment 5

<u>Page No.</u>	<u>Location</u>	<u>Reason</u>
1,2	Cost Column	1 and 2

POD NO. 37

<u>Page No.</u>	<u>Location</u>	<u>Reason</u>
1	Network Column	1 and 2
	Finance Column	1 and 2
	G=C Column	1 and 2
	E/B Column	1 and 2
	FxG Column	1 and 2
2	Network Column	1 and 2
	G=C Column	1 and 2
	E/B Column	1 and 2
	FxG Column	1 and 2
4	Eqpt Total Column	1 and 2
	Inst Mat Total Column	1 and 2
	Inst Labor Total Column	1 and 2
5,6,7	Unit Price Column	1 and 2
	Eqpt Total Column	1 and 2
	Total Inst Mat Column	1 and 2
	Total Inst Labor Column	1 and 2
11	Sub price Column	1 and 2
	Marconi Column	1 and 2
	BellSouth Total Column	1 and 2

POD NO. 38

<u>Page No.</u>	<u>Location</u>	<u>Reason</u>
1	Lines 1-4	1 and 2

2	First Column Ea Add Column	1 and 2 1 and 2
3	Engineering Box Inst Box Material Box	1 and 2 1 and 2 1 and 2
4,5	Entire Page	1 and 2

POD NO. 40, Attachment 1

<u>Page No.</u>	<u>Location</u>	<u>Reason</u>
1	Columns A, B, C, D, E	1 and 2

POD NO. 40, Attachment 2

<u>Page No.</u>	<u>Location</u>	<u>Reason</u>
1	Amount Column Column A Column B	1 and 2 1 and 2 1 and 2

POD NO. 42, Attachment 1

<u>Page No.</u>	<u>Location</u>	<u>Reason</u>
	Entire Document	4

POD NO. 42, Attachment 4

<u>Page No.</u>	<u>Location</u>	<u>Reason</u>
Pg 3	Cost Column	3 and 4
Pg 4	Bracket No. 1	3 and 4
Pg 5	Entire Page	3 and 4
Pg 6	Inputs Column	3 and 4
Pg 7	Columns C,F,G,L,M	3 and 4
Pg 8	Lines 21 7-21 9,222-226,228-231 234-236	3 and 4
Pg 9	Unit Price	3 and 4
Pg 10	1st Column	3 and 4
Pg 11	Columns F and G	3 and 4
Pg 12	Cost Column	3 and 4

Pg 13	use DS1 xcibb Column	3 and 4
	Bracket No. 1	3 and 4
Pg 14	Unit Price Column	3 and 4
	EQFT Total Column	3 and 4
	Total Inst Column	3 and 4
	Total Inst Labor Column	3 and 4
Pg 15	Unit Price Column	3 and 4
	EQFT Total Column	3 and 4
	Total Inst Column	3 and 4
	Total Inst Labor Column	3 and 4
Pg 16	Unit Price Column	3 and 4
	EQFT Total Column	3 and 4
	Total Inst Column	3 and 4
	Total Inst Labor Column	3 and 4
Pg 17	Entire Page	3 and 4
Pg 18	Entire Page	3 and 4
Pg 20	Sub Price Column	3 and 4
	Marconi Total Price Col	3 and 4
	BellSouth Total Price Col	3 and 4
Pg 27	Minor Mat1 Col	3 and 4
	Avg Column	3 and 4
	Total Col	3 and 4
	Sq Ft Col	3 and 4
	Total Col	3 and 4
	Arrangment Column	3 and 4
Pg 31	Cost Column	3 and 4
Pg 32	FRC 460C Bracket	3 and 4
Pg 33	Bracket 1	3 and 4
	Cost Column	3 and 4
Pg 34	Column A	3 and 4
Pg 35	Computation Column	3 and 4
	Cost Column	3 and 4
Pg 36	Percent of Job Column	3 and 4
	Subtotal Cost Column	3 and 4
	Cost Per Sq Ft Column	3 and 4
	Unit Cost Column	3 and 4
	Subtotal Cost Column	3 and 4
	Total Cost Column	3 and 4
Pg 37	Unit Cost Column	3 and 4
	Total Colmun	3 and 4
Pg 38	Unit Cost Column	3 and 4
	Total Column	3 and 4
Pg 39	Columns D,E,F and G	3 and 4
	Line Nos. 8,1516,24,39,46 and 61	3 and 4
Pg 40	Columns D,E,F and G	3 and 4
	Line Nos. 76 and 110	3 and 4
Pg 41	Columns F and G	3 and 4
Pg 42	Line Nos. 215-217, 219-223, 227,228	3 and 4

ORDER NO. PSC-01-2486-CFO-TL
DOCKET NO. 960786-A-TL
PAGE 16

POD NO. 43, Attachment 3

<u>Page No.</u>	<u>Line No./Column</u>	<u>Reason</u>
Pg 2	Line Nos. 1-8	3 and 4
pg 3	First Column	3 and 4
	Ea Add Column	3 and 4
	First Column	3 and 4
	EA Add Column	3 and 4
	Each Column	3 and 4
	Line No. 1	3 and 4
Pg 4	Engineering First,	
	Ea. Add, Total Columns	3 and 4
	Installation First,	
	Ea. Add, Total Columns	3 and 4
	Material Each, Total Col	3 and 4
	Total Eng Line	3 and 4
	Total Inst Line	3 and 4
	Total Mat Line	3 and 4
	Line No. 2	3 and 4
Pg 5	Line Nos. 1,2,3	3 and 4
Pg 6	Line Nos. 1,2,3	3 and 4