

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into
pricing of unbundled network
elements (BellSouth track).

DOCKET NO. 990649A-TP
ORDER NO. PSC-02-0091-CFO-TP
ISSUED: January 16, 2002

ORDER GRANTING REQUESTS FOR CONFIDENTIAL TREATMENT OF
DOCUMENT NO. 13678-01 (CROSS-REFERENCED DOCUMENTS NO. 12816-01),
DOCUMENT NO. 13902-01 (CROSS REFERENCED DOCUMENT NO. 13007-01),
AND DOCUMENT NO. 14456-01 (CROSS-REFERENCED
DOCUMENT NO. 14240-01)

On May 25, 2001, this Commission issued its Final Order on Rates for Unbundled Network Elements Provided by BellSouth (Phases I and II), Order No. PSC-01-1181-FOF-TP. Furthermore, we ordered BellSouth to refile, within 120 days of the issuance of the Order, revisions to its cost study addressing xDSL-capable loops, network interface devices, and cable engineering and installation. The parties to the proceeding were also ordered to refile within 120 days of the issuance of the Order, proposals addressing network reliability and security concerns as they pertain to access to subloop elements. Order No. PSC-01-1904-PCO-TP, issued September 24, 2001, and Order No. PSC-01-2189-PCO-TP, issued November 8, 2001, and Order No. PSC-01-2399-PCO-TP, issued December 11, 2001, established the procedure for the hearing regarding BellSouth's 120-day filing.

On October 29, 2001, BellSouth filed a Request for Confidential Classification of the recurring cost studies provided pursuant to Order No. PSC-01-1181-FOF-TP (Document No. 13678-01 and cross-referenced Documents No. 12816-01), which BellSouth contends contains vendor-specific pricing, customer proprietary information, and confidential business information. BellSouth also contends that the release of this information would provide its competitors with an unfair advantage in future negotiations, that it has not otherwise been disclosed, and that BellSouth treats this information as confidential.

On November 2, 2001, BellSouth filed a Request for Confidential Classification for revised cost studies filed on October 12, 2001 (Document No. 13902-01 and cross referenced Document No. 13007-01). Similarly, BellSouth argues that this response contains vendor-specific pricing, customer proprietary information, and confidential business information. BellSouth

DOCUMENT NUMBER DATE

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contends that the release of this information would provide its competitors with an unfair advantage in future negotiations, that it has not otherwise been disclosed, and that BellSouth treats this information as confidential.

Thereafter, on November 14, 2001, BellSouth filed a Request for Confidential Classification for cost studies filed on November 8, 2001 (Document No. 14456-01 and cross-referenced Document No. 14240-01). Again, BellSouth generally contends that these responses contain vendor-specific pricing, customer proprietary information, and confidential business information. BellSouth claims that the release of this information would provide its competitors with an unfair advantage in future negotiations, that it has not otherwise been disclosed, and that BellSouth treats this information as confidential.

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.

Specifically, with regard to the recurring cost studies filed October 8, 2001, BellSouth contends that the CD-ROM files identified in Attachment A, which is attached and incorporated herein, should be protected for the reasons also set forth in Attachment A.

For the portions of the revised cost studies filed October 12, 2001, BellSouth contends that the pages, columns and lines identified in Attachment B, which is attached and incorporated herein, should be protected for the reasons also set forth in Attachment B.

Regarding the cost studies filed November 8, 2001, BellSouth again seeks confidential treatment of the files identified in Attachment C, which is attached and incorporated herein, for the reasons also set forth in Attachment C.

Section 364.183(3), Florida Statutes, in pertinent part, provides:

The term "proprietary confidential business information" means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public.

Based on the definition of proprietary confidential business information in Section 364.183(3), Florida Statutes, it appears that the material described herein is proprietary business information in accordance with Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. Disclosure of this information could be detrimental to BellSouth's operations, could impair BellSouth's ability to compete, and its ability to contract for goods and services. Also, any customer specific information should be protected pursuant to Section 364.24(2), Florida Statutes. As such, BellSouth's Requests for Confidential Classification regarding Document No. 13678-01 (cross-referenced Documents No. 12816-01), Document No. 13902-01 (cross referenced Document No. 13007-01), and document No. 14456-01 (cross-referenced Document No. 14240-01) respectively, are hereby granted. Pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the 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.

Based on the foregoing, it is therefore

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ORDERED by Chairman Lila A. Jaber, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Requests for Specified Confidential Classification addressing Document No. 13678-01 (cross-referenced Documents No. 12816-01), Document No. 13902-01 (cross referenced Document No. 13007-01), and document No. 14456-01 (cross-referenced Document No. 14240-01) respectively, are hereby granted. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the 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 Chairman Lila A. Jaber, as Prehearing Officer, this 16th Day of January, 2002.



LILA A. JABER
Chairman and Prehearing Officer

(S E A L)

WDK

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.

ATTACHMENT A

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**BellSouth Telecommunications, Inc.
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Request for Confidential Classification
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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF COMPLIANCE COST
STUDY (1 CD-ROM) AND THE BSTLM LOOP MODEL (4 CD-ROMs) AS FILED
ON OCTOBER 8, 2001 IN FLORIDA PUBLIC SERVICE
COMMISSION DOCKET 990649-TP**

Explanation of Proprietary Information

- 1 This information reflects vendor specific prices negotiated by BellSouth. Public disclosure of this information would impair BellSouth's ability to contract for goods and services on favorable terms. This information is valuable, it is used by BellSouth in conducting its business and BellSouth strives to keep it secret. Therefore, this information should be classified as proprietary, confidential business information pursuant to Section 364.183(3)(d) Florida Statutes and is exempt from the Open Records Act.

PAGE NO.

BASIS FOR REQUEST

Compliance Filing CD - Proprietary Files:

ADUF.XLS	1
DS1_CALC.XLS	1
DSLAM.XLS	1
EODUF.XLS	1
FL-NID.XLS	1
FLST_SST_P.XLS	1
FLUNTW.XLS	1
FL-USL.XLS	1
IO_VG2.XLS	1
IO_VG4.XLS	1
MDF_FUND.XLS	1
ODUF.XLS	1

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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF COMPLIANCE COST
STUDY (1 CD-ROM) AND THE BSTLM LOOP MODEL (4 CD-ROMs) AS FILED
ON OCTOBER 8, 2001 IN FLORIDA PUBLIC SERVICE
COMMISSION DOCKET 990649-TP**

CONTINUED

BSTLM (CD 1 of 4) – Entire CD	1
BSTLM (CD 2 of 4) – Entire CD	1
BSTLM (CD 3 of 4) – Entire CD	1
BSTLM (CD 4 of 4) – Entire CD	1

**BellSouth Telecommunications, Inc.
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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S REVISED
COST STUDY FILED OCTOBER 12, 2001 IN FLORIDA DOCKET NO. 990649-TP**

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.

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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELL SOUTH'S REVISED
COST STUDY FILED OCTOBER 12, 2001 IN FLORIDA DOCKET NO. 990649-TP**

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52	C	15-24	1 & 2
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69	A	11,12,13,14	
	C	11,12,13,14	1 & 2
70	A	35-44	
	C	35-44	1 & 2
71	A	62-71	
	C	62-71	1 & 2
134	A	35,37	
	C	35,37	1 & 2
208	E	10,15,17,21,26,27	1 & 2

210	E	9,12,14,19,21,26,27	1 & 2
225	E	2,3	
	F	2,3	1 & 2
244	A	2	
	B	2,3	1 & 2
	C	2,3	
	D	2	
	E	3	
	F	2,3	
	G	2,3	
	H	2,3	
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263	A	2,3	1 & 2
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	C	2,3	
	D	2,3	
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	F	2,3	
	G	2,3	
	H	2	
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282	A	2,3	1 & 2
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305	H	9	1 & 2
308	E	23,25,26,28	1 & 2
314	E	6,7	1 & 2
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	L	6,7	
	M	6,7	

315	N	6,7	1 & 2
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	P	6,7	
	Q	6,7	
	R	6,7	
	S	6,7	
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316	Y	6,7	1 & 2
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411	E	55,57	1 & 2
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	K	19,22,33,42,51	
	L	19,22,33,42,51	
	M	19,22,33,42,51	
	N	19,22,33,42,51	
	O	19,22,33,42,51	
	P	19,22,33,42,51	
440	G	66,67,69-72,75-84	1 & 2
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	O	61,69-72,76,78,80,82,84	

	P	61,69-72,76,78,80,82,84	1 & 2
441	Q	19,22,33,42,51	1 & 2
443	Q	61,69,70,71-72,76,78,80,82,84	1 & 2
449	F	11-17,28,29,32	1 & 2
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	M	87-91,93-96,98-101,103-106,108,130-131,146-147	
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	J	158,159,170,171	
	K	158,159,170,171	
	L	158,159,170,171	
	M	158,159,170,171	
	N	158,159,170,171	
	O	158,159,170,171	

	P	158,159,170,171	1 & 2
452	F	249,254,257	1 & 2
459	G	19,26-29,35	1 & 2
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	I	19,23,32	
460	G	36-38,44-47,55-58,68,69	1 & 2
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461	G	71-74,77-86	1 & 2
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463	J	19,23,32	1 & 2
464	J	42,50	1 & 2
465	J	78,80,82,84,86	
471	F	10-15,18,26	1 & 2
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474	F	131-135,140-148,153-162	1 & 2
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476	F	250,255,258	1 & 2

485	H	46-49,56-59,74-77,84-86	1 & 2
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486	H	87,93-96,102-105,110-113,121-124	1 & 2
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487	G	158,164,167-170	1 & 2
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488	G	174-178	1 & 2
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489	I	239-241,244,249-251	1 & 2
	J	239-241,244,249-251	
490	K	39,42	1 & 2
491	K	52,62,71,80	1 & 2
492	K	90,99,108,116,127	1 & 2
493	K	139,149,167-170	1 & 2
494	K	174-178	1 & 2
495	K	239-241,244	1 & 2
498	A	79,80-82	1 & 2
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502	F	13,15	1 & 2
	G	11-17,21,22,25	

	H	10,12-18,21,40,42-44	1 & 2
	I	10,12-18,21,40,42-44	
503	H	53,54,56-59,65,66,68-71,77,78,80-83,86,87,89-92 98,99	1 & 2
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508	G	300-344	1 & 2
	H	297-298,344	
	I	297,344	
509	G	349-382,388-393	1 & 2
	H	346,347,382,385,386	
	I	346,382,385	
510	G	394-421	1 & 2
	H	421,424,425,427	
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514	F	610,616,619	1 & 2
515	J	10,12-21,40-43	1 & 2

516	J	56-58,68-70,80-82,89-91	1 & 2
517	J	101-103,113-115,123-125,133-139,148-149	1 & 2
518	J	160-162,191-195,197	1 & 2
519	J	198-200,202-205,207-210,212,226-229,232-234, 238-240	1 & 2
520	J	294	1 & 2
521	J	297,344	1 & 2
522	J	346,382,385	1 & 2
523	J	421,424	1 & 2
528	C	20,22-26,29	1 & 2
	D	20,22-26,29	
	E	20,22-26,29	
529	C	30,33-35	1 & 2
	D	30,33-35	
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544	D	3-5,11-13,14-16,17-19,20-22	1 & 2
548	LUCENT	2,4,6-8,10,12-14,16,18-19,21,23,25-27,29,31-32	1 & 2
	TELL LABS	2,4,6-8,10,12-14,16,18-19,21,23,25-27,29,31-32	1 & 2
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549	D	2,4,6,10,12,16,21,23,25	1 & 2
837	A	10	1 & 2
	E	10,14,15,17,18,20	
839	A	10	1 & 2
	E	10,14,15,18,19,22	
	H	10,14-16,18-20,22	
840	C	10,13-18,21,24,25	1 & 2
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ATTACHMENT C

BellSouth Telecommunications, Inc.
FPSC Docket No. 990649A-TP
Request for Confidential Classification
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11/29/01

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF COMPLIANCE COST
STUDY (1 CD-ROM) AS FILED ON NOVEMBER 8, 2001 IN
FLORIDA PUBLIC SERVICE
COMMISSION DOCKET 990649-TP**

Explanation of Proprietary Information

- A. This information reflects vendor specific prices negotiated by BellSouth. Public disclosure of this information would impair BellSouth's ability to contract for goods and services on favorable terms. This information is valuable, it is used by BellSouth in conducting its business and BellSouth strives to keep it secret. Therefore, this information should be classified as proprietary, confidential business information pursuant to Section 364.183(3)(d) Florida Statutes and is exempt from the Open Records Act.

PAGE NO.

BASIS FOR REQUEST

Compliance Filing CD - Proprietary Files:

ADUF.XLS	1
DS1_CALC.XLS	1
DSLAM.XLS	1
EODUF.XLS	1
FL-NID.XLS	1
FLST_SST_P.XLS	1
FLUNTW.XLS	1
FL-USL.XLS	1
IO_VG2.XLS	1
IO_VG4.XLS	1
MDF_FUND.XLS	1
ODUF.XLS	1
CD.xls	1
CD2.xls	1
ODUFAMAF.xls	1