

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.

DOCKET NO. 001305-TP  
ORDER NO. PSC-02-0293-CFO-TP  
ISSUED: March 7, 2002

ORDER GRANTING, IN PART, AND DENYING, IN PART, JOINT REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO. 11706-01 (CROSS-REFERENCED DOCUMENTS NOS. 09249-01, 09997-01, 09252-01, AND 09995-01)

On September 1, 2000, BellSouth Telecommunications, Inc. (BellSouth) filed a petition for arbitration of certain issues in an interconnection agreement with Supra Telecommunications and Information Systems, Inc. (Supra). Supra filed its response, and this matter was set for hearing. An administrative hearing was held on September 26-27, 2001.

On September 19, 2001, BellSouth and Supra filed a Joint Request for Confidential Classification. This Order addresses this request. The request seeks confidential classification of portions of the pre-filed testimony of Mr. Ramos, Mr. Nilson, and Ms. Bentley, as well as Exhibits OAR-3, OAR-4, OAR-5, OAR-6, OAR-7, OAR-47, OAR-51, OAR-54, OAR-62, OAR-72, OAR-79, OAR-80, OAR-104, DAN-3, and CB-1 (Document No. 11706-01 and cross-referenced Documents Nos. 09249-01, 09997-01, 09252-01). The request also seeks confidential classification of portions of the pre-filed testimony of Mr. Zejinilovic, as well as Exhibits OAR-61, OAR-63, OAR-81, OAR-82, OAR-83, OAR-84, OAR-85, OAR-86, OAR-87A, OAR-87B, OAR-88, OAR-89A, OAR-89B, OAR-90, OAR-102, OAR-103, DAN-2, DAN-4, CB-2, AZ-2, AZ-3, AZ-4, AZ-5, AZ-6, and AZ-7 (Document No. 11706-01 and cross-referenced Documents Nos. 09249-01, 09997-01, 09252-01, and 09995-01).

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

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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 testimony and exhibits above, BellSouth and Supra believe that the documents, pages and lines identified within this Order, should be protected because they contain competitive business information, customer proprietary information, and confidential business information, in accordance with Section 364.183, Florida Statutes. The parties contend that the information in the documents is valuable and BellSouth strives to keep it secret. Both parties have treated, and intend to continue to treat, the information for which confidentiality is sought as private in connection with the instant proceeding, and this information has not been generally disclosed.

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, I find the confidentiality of the requested portions of documents, testimony and exhibits to be as follows:

Ramos Confidential Direct Testimony References

Page 12, lines 13-25 - Approved.  
Page 13, lines 1-3,8-25 - Lines 16-25 approved. Remainder denied.  
Page 14, lines 1-24 - Lines 1-20 approved. Remainder denied.  
Page 15, line 1, lines 5-11 - Denied.  
Page 25, lines 15-19 - Denied.  
Page 35, lines 7-10 - Denied.  
Page 47, lines 18-25 - Denied.  
Page 48, lines 1-9 - Lines 3-9 approved. Remainder denied.

Ramos Confidential Rebuttal Testimony References

Page 5 , lines 19-20 - Denied.  
Page 10, lines 4-24 - Approved.  
Page 11, lines 7-11, 20 - Denied.  
Page 13, lines 1-22 - Approved.  
Page 19, line 11 - Approved.  
Page 35, lines 11-16 - Approved.  
Page 37, lines 1-3 - Denied.  
Page 40, lines 9-10 - Approved.  
Page 48, lines 9-25 - Approved.  
Page 49, lines 1-16, 21-25 - Lines 1-14, 22-24 - Approved.  
Remainder denied.  
Page 50, lines 1-7 - Approved.  
Page 54, line 8 - Denied.  
Page 55, lines 12-15 - Line 15 approved. Remainder denied.  
Page 59, lines 14-17 - Approved.  
Page 62, lines 4-5, 10-11, 18-25 - Lines 4,5,10,11,20-25 approved.  
Remainder denied.  
Page 63, lines 1-2 - Approved.  
Page 66, lines 19-25 - Approved  
Page 67, lines 1-15 - Approved.  
Page 68, lines 1-2 - Approved.  
Page 71, lines 3, 5, 8, 10, 15, 16, 19-25 - Approved.  
Page 72, lines 1-6, 12- 13 - Approved.

Ramos Confidential Exhibits -Confidentiality of all OAR exhibits listed below is approved.

OAR 3 - Document No. 09249-01 - Order dated June 5,2001.  
OAR 4 - Document No. 09249-01

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OAR 5 - Document No. 09249-01  
OAR 6 - Document No. 09249-01  
OAR 7 - Document No. 09249-01 - Order dated July 20,2001.  
OAR 47 - Document No. 09249-01 - Order dated February 21,2001.  
OAR 51 - Document No. 09997-01 - Undated BellSouth e-mail  
OAR 54 - Document No. 09997-01 - BST's Motion for Reconsideration.  
OAR 61 - Document No. 09997-01 - BST's redline.  
OAR 62 - Document No. 09997-01 - Hearing Transcripts.  
OAR 63 - Document No. 09997-01 Minutes.  
OAR 72 - Document No. 09997-01 Scheduling Order.  
OAR 79 - Document No. 09997-01 Interrogatory 6.  
OAR 80 - Document No. 09997-01 Hearing Transcripts.  
OAR 81 - Document No. 09997-01 BST Manual - Module 3.  
OAR 82 - Document No. 09997-01 BST Manual - October 2000.  
OAR 83 - Document No. 09997-01 BST Manual - November 1997.  
OAR 84 - Document No. 09997-01 BST Manual - 1/2/98.  
OAR 85 - Document No. 09997-01 BST Manual - 11/14/97.  
OAR 86 - Document No. 09997-01 BST Manual - June 2000.  
OAR 87A - Document No. 09997-01 BST Manual - January 2001.  
OAR 87B - Document No. 09997-01 BST Manual - January 2001.  
OAR 88 - Document No. 09997-01 BST Manual - December 2000.  
OAR 89A - Document No. 09997-01 BST Manual - 2/28/2001.  
OAR 89B - Document No. 09997-01 BST Manual.  
OAR 90 - Document No. 09997-01 BST Manual - February 2000.  
OAR 102 - Document No. 09997-01  
OAR 103 - Document No. 09997-01  
OAR 104 - Document No. 09997-01 Hearing Transcripts.

Nilson Confidential Direct Testimony References

Page 39, lines 13-25, footnote 42 - Lines 13-25 approved.  
Remainder denied.  
Page 41, lines 1-37, footnote 44 - Lines 1-37 approved. Remainder  
denied.  
Page 42, lines 1 - 15, footnote 45-46 - Lines 1-15 approved.  
Remainder denied.  
Page 47, footnote 54 - Approved.  
Page 82, lines 21 -22 - Denied.  
Page 84, footnote 79 - Denied.  
Page 119, lines 8-9 - Denied.

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Nilson Confidential Rebuttal Testimony References

Page 4, footnote 1 - Denied.  
Page 13, footnote 4 - Denied.  
Page 25, lines 21-23 - Denied.  
Page 26, lines 1-42 - Approved.  
Page 27, lines 1-2, 6-41 - Approved.  
Page 28, lines 1-6 - Approved.  
Page 38, line 5 - Approved.  
Page 39, lines 8-9 - Approved.  
Page 47, lines 19-25 - Lines 21-25 approved. Remainder denied.  
Page 48, lines 1-45 - Approved.  
Page 49, lines 1-27 - Approved.

Nilson Confidential Exhibits

DAN-2 - Document No. 09252-01 - INTERLATA - Dated June 13, 2000 - Approved.  
DAN-3 - Document No. 09252-01 - 6/5/2001 - Approved.  
DAN-4 - Document No. 09252-01 - Spreadsheet - Approved.

Bentley Confidential Direct Testimony References

Page 9, lines 5-7, 23-25 - Denied.  
Page 14, lines 3-5, 25 - Approved.

Bentley Confidential Exhibits

CB 1 - Document No. 09255-01 - June 5, 2001 - Approved.  
CB 2 - Document No. 09255-01 - BellSouth billing - Approved.

Adnan Confidential Exhibits

AZ-2 - Document No. 09995-01 - TAG - Approved.  
AZ-3 - Document No. 09995-01 - TAG - Approved.  
AZ-4 - Document No. 09995-01 - BellSouth Documentation - Approved.  
AZ-5 - Document No. 09995-01 - Approved.  
AZ-6 - Document No. 09995-01 - Approved.  
AZ-7 - Document No. 09995-01 - Approved.

Prehearing Confidential References

Page 1, reference to OAR 3,4, 5, 6 - Denied.  
Page 2, reference to OAR 7, 3 1,35 - Denied.  
Page 3, reference to OAR 5 1,62 - Denied.  
Page 4, reference to OAR 8 1-90, 102-104 - Denied.  
Page 6, reference to CB 1, AZ 5-7 - Denied.  
Page 9, portions of paragraph 1 - First sentence is approved.  
Remainder denied.  
Page 39, lines 1-3 - Denied.  
Page 43, 1<sup>st</sup> three sentences - Last half of second sentence is approved. Remainder denied.  
Page 49, 1<sup>st</sup> three sentences - Denied.  
Exhibit A in its entirety - Approved.

Where confidentiality is approved, 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 the parties' operations. As such, the parties' Joint Request for Confidential Classification addressing Document No. 11706-01 and cross-referenced Documents Nos. 09249-01, 09997-01, 09252-01, and 09995-01 is hereby granted to the extent set forth herein. 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

ORDERED by Commissioner Michael A. Palecki, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s and Supra Telecommunications and Information Systems, Inc.'s Joint Request for Specified Confidential Classification, addressing Document No. 11706-01 (cross-referenced Documents Nos. 09249-01, 09997-01, 09252-01, and 09995-01) is granted, in part, and denied, in part, as set forth in the body of this Order. It is further

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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 Commissioner Michael A. Palecki, as Prehearing Officer, this 7th day of March, 2002.



MICHAEL A. PALECKI  
Commissioner and Prehearing Officer

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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),

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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.