

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cost recovery and
allocation issues for number
pooling trials in Florida.

DOCKET NO. 001503-TP
ORDER NO. PSC-02-1277-CFO-TP
ISSUED: September 18, 2002

ORDER GRANTING BELLSOUTH'S REQUEST FOR SPECIFIED CONFIDENTIAL
CLASSIFICATION FOR DOCUMENT NO. 09009-02 (x-ref. 08188-02)

On September 29, 2000, this docket was established to address cost recovery and allocation issues for number pooling trials in Florida. On December 12, 2000, the Commission held a workshop. By Order No. PSC-02-0466-PAA-TP, issued April 5, 2002, (Consummating Order No. PSC-02-0590-CO-TP, issued April 30, 2002), we ordered that Commission-regulated carriers seeking recovery should file a petition with a cost recovery mechanism that would meet federal and state law and all supporting documents related to their cost analysis. On August 5, 2002, BellSouth Telecommunications, Inc. (BellSouth) filed its Petition for Cost Recovery.

On August 26, 2002, BellSouth filed its Request for Specified Confidential Classification for Attachment A, attached to its Petition for Cost Recovery filed on August 5, 2002 (Document No. 09009-02 (x-ref. 08188-02)). Attachment A, attached hereto and incorporated herein, contains a detailed justification of the confidentiality of the information at issue. BellSouth contends that it filed its request because the information contained in its cost study includes vendor-specific pricing information and other confidential business information that could cause competitive harm to BellSouth. BellSouth states in its Request that the information is valuable and it strives to keep it secret. Further, BellSouth asserts that this information has not been generally disclosed.

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

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Statutes, or to demonstrate that the information is proprietary confidential information, the disclosure of which will cause the Company or its ratepayers harm.

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 would give its competitors an artificial competitive advantage, allowing them to successfully compete against BellSouth without the usual market trial and error. As such, BellSouth's Request for Specified Confidential Classification of Document No. 09009-02 (x-ref. 08188-02) is hereby granted.

Based on the foregoing, it is

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Request for Specified Confidential Classification of Document No. 09009-02 (x-ref. 08188-02), as set forth in Attachment A, is hereby granted and incorporated by reference into this Order. It is further

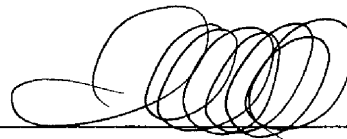
ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the confidentiality granted to the material specified herein shall

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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 Braulio L. Baez, as Prehearing Officer, this 18th Day of September, 2002.



BRAULIO L. BAEZ
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 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.

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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 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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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF EXHIBIT "A"
TO BELL SOUTH'S PETITION FOR COST RECOVERY AS FILED ON
AUGUST 5, 2002 IN FLORIDA PUBLIC SERVICE
COMMISSION DOCKET 001503-TP**

Explanation of Proprietary Information

- A. The information contained in Exhibit "A" to BellSouth's Petition for Cost Recovery is a cost study that includes vendor-specific pricing information, confidential business information and customer proprietary information that is considered proprietary to BellSouth. Disclosure of this information would cause competitive harm to BellSouth. Therefore, this information should be classified as proprietary, confidential business information pursuant to Section 364.183, Florida Statutes and is exempt from the Open Records Act.

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BASIS FOR REQUEST

FL Savings Invst3.xls

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Page 8 of 13, Column D, Lines 72, 74-77, 81-84, 86, 88, 90	1
Page 9 of 13, Column D, Lines 92, 94-97, 101-104, 106, 108, 110	1
Page 11 of 13, Column B, Lines 29-30	1
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FL Number Pooling3.xls

Page 17 of 19, Column J, Lines 8-20, 23, 27-30, 38	1
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