

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition of US LEC of Florida, Inc., Time Warner Telecom of Florida, L.P., and ITC^DeltaCom Communications objecting to and requesting suspension of proposed CCS7 Access Arrangement tariff filed by BellSouth Telecommunications, Inc.

DOCKET NO. 020129-TP  
ORDER NO. PSC-02-1363-CFO-TP  
ISSUED: October 4, 2002

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION OF  
DOCUMENT NO. 10507-02 (x-ref 09538-02)

On January 18, 2002, BellSouth Telecommunications, Inc. (BellSouth) filed a tariff with this Commission introducing the CCS7 Access Arrangement. This tariff filing also restructures the offering for Commercial Mobile Radio Service (CMRS) providers, and directs them to the equivalent CCS7 Access Arrangement available in the Access Services Tariff. Further, as part of this filing, local switching rates have been reduced to reflect the introduction of charges for intrastate CCS7 usage. The tariff filing went into effect on February 17, 2002.

On February 15, 2002, US LEC of Florida, Inc., Time Warner Telecom of Florida, L.P., and ITC^DeltaCom Communications, Inc. (Petitioners) filed a Joint Petition objecting to and requesting suspension of the CCS7 Access Arrangement Tariff filed by BellSouth, and requesting that this Commission schedule a formal administrative hearing to address the issues raised in its Petition. On March 22, 2002, BellSouth filed its response to the Petition. This matter was set for an administrative hearing by this Commission by Order No. PSC-02-0739-PCO-TP, issued May 31, 2002. The hearing was held on September 10, 2002.

On September 30, 2002, BellSouth filed a request for confidential classification. In its request, BellSouth seeks confidential classification of the information contained in ITC^DeltaCom Communications, Inc.'s Supplemental Response to Staff's First Set of Interrogatories, Item No. 2(c) (Document No. 10507-02 (x-ref 09538-02)). Attachment A, attached hereto and

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incorporated herein, contains a detailed justification of the confidentiality of the information at issue. I understand that BellSouth treats this information as confidential and it has not otherwise been released.

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.

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

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such, BellSouth's Request for Confidential Classification of Document No. 10507-02 (x-ref. 09538-02) is hereby granted.

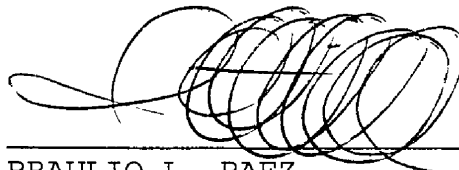
Based on the foregoing, it is

ORDERED by Braulio L. Baez, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Request for Confidential Classification of Document No. 10507-02 (x-ref 09538-02) is 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 Commissioner Braulio L. Baez, as Prehearing Officer, this 4th day of October, 2002.



BRAULIO L. BAEZ  
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.

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 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 ITC"DELTACOM  
COMMUNICATION, INC.'S SUPPLEMENTAL RESPONSE TO STAFF'S FIRST  
SET OF INTERROGATORIES AS FILED ON SEPTEMBER 9,2002  
IN FLORIDA PUBLIC SERVICE  
COMMISSION DOCKET 020129-TP

**Explanation of Proprietary Information**

- 1 . The information includes vendor-specific pricing 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

Line 18

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