

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-03-0202-CFO-TP
ISSUED: February 11, 2003

ORDER ON REQUESTS FOR CONFIDENTIAL CLASSIFICATION FOR DOCUMENT
NO. 08110-02 AND CROSS-REFERENCED DOCUMENT NO. 07174-02

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 August 2, 2002, BellSouth filed a Request for Specified Confidential Classification for portions of its Opposition to Supra's Motion to Stay Commission Order Nos. PSC-02-0413-FOF-TP and PSC-02-0878-FOF-TP (Document No. 08110-02 and cross-referenced Document No. 07274-02). Therein, BellSouth maintains that parts of its filing contain information that may be considered to be confidential to Supra. BellSouth's position is further specified in Attachment A, which is attached and incorporated in this Order.

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.

DOCUMENT NUMBER-DATE

01393 FEB 11 8

FPSC-COMMISSION CLERK

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.

Further, Section 364.24(2), Florida Statutes, in pertinent part, provides:

Any officer or person in the employ of any telecommunications company shall not intentionally disclose customer account records except as authorized by the customer or as necessary for billing purposes, or required by subpoena, court order other process of court, or as otherwise allowed by law.

Upon consideration, the document for which BellSouth requests confidentiality appears to meet the definition of proprietary confidential business information in Section 364.183(3), Florida Statutes, and consist of account records as contemplated by Section 364.24(2), Florida Statutes. This information shall, therefore, be granted confidential classification.

Based on the foregoing, it is therefore

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Request for Specified Confidential Classification for portions of its Opposition to Supra's Motion to Stay Commission Order Nos. PSC-02-0413-FOF-TP and PSC-02-0878-FOF-TP, Document No. 08110-02 and cross-referenced Document No. 07274-02, is granted. It is further

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ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 364.183. 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 11th Day of February, 2003.



Braulio L. Baez

BRAULIO L. BAEZ
Commissioner 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.

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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; or (2) 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.

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ATTACHMENT A

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**REQUEST FOR CONFIDENTIAL CLASSIFICATION FOR PORTIONS OF
BELLSOUTH'S OPPOSITION TO SUPRA'S MOTION TO STAY COMMISSION
ORDERS PSC-02-0413-FOF-TP AND PSC-02-0878-FOF-TP
FILED ON JULY 12, 2002 IN FLORIDA DOCKET NO. 001305-TP**

Explanation of Proprietary Information

1. The subject contains Supra's wholesale customer account records. Section 364.24, Florida Statutes may prohibit the disclosure of this information. Accordingly, the subject information should be entitled to confidential treatment.

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