BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Florida Competitive Carriers Association against BellSouth Telecommunications, Inc. regarding BellSouth's practice of refusing to provide FastAccess Internet Service to customers who receive voice service from a competitive voice provider, and request for expedited relief.	DOCKET NO. 020507-TL ORDER NO. PSC-03-1208-CFO-TL ISSUED: October 24, 2003

ORDER GRANTING AT&T'S REQUEST FOR SPECIFIED CONFIDENTIAL
CLASSIFICATION AND MOTION FOR PROTECTIVE ORDER
FOR DOCUMENT NO.   07405-03

BY THE COMMISSION:

    On June 12, 2002, the Florida Competitive Carriers Association
(FCCA) filed a Complaint against BellSouth Telecommunications, Inc.
(BellSouth) and a Request for Expedited Relief seeking relief from
BellSouth's practice of refusing to provide its FastAccess service
to customers who receive voice service from an Alternative Local
Exchange Carrier (ALEC). By Order No. PSC-02-0935-PCO-TL, issued
July 12, 2002, the request for expedited relief was denied. On
July 21 and 22, 2003, an administrative hearing was held in this
matter.

    On August 12, 2003, AT&T Communications of the Southern
States, LLC (AT&T) filed its Request for Specified Confidential
Classification and Motion for Protective Order for Responses to
outstanding requests in BellSouth's First Set Of Interrogatories to
Florida Competitive Carriers Association Nos. 7(ii), 10(iii) and
12(ii), Document No. 07405-03. Attachment A, attached hereto and
incorporated herein, contains a detailed justification of the
confidentiality of the information at issue. AT&T contends that its
response to Interrogatory Nos. 7(ii), 10(iii), and 12(ii) included
confidential business information that it considers proprietary.
AT&T asserts that information contained in these interrogatory
responses contain information specifically related to AT&T's

business operations. AT&T contends that it considers this
information to be confidential, proprietary business information.
AT&T asserts that the confidicential information is related to the
number of customers AT&T has and the type of service being provided
to those customers. AT&T states that disclosure of the information
would harm AT&T's competitive business interests. AT&T contends
that the information has not been made public and is governed by a
Protective Agreement between the parties. AT&T states that it
treats the information for which confidential classification is
sought as private and 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.

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 AT&T without the usual market trial and error. As such, AT&T's Request for Specified Confidential Classification and Motion for Protective Order of Document No. 07405-03 is hereby granted.

Based on the foregoing, it is

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that AT&T Communications of the Southern States, LLC's Request for Specified Confidential Classification and Motion for Protective Order of Document No. 07405-03, 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 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 __24th__ Day of __October__ __2003__ .

for Commissioner Braulio Baez

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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; 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.

ATTACHMENT A

REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
AT&T's Responses to BellSouth's Interrogatory Nos. 7(ii), 10(iii) and 12(ii)
DOCKET NO. 020507-TP

Explanation of Proprietary Information

1. The information provided by AT&T in its responses to BellSouth's Interrogatory Nos. 7(ii), 10(iii) and 12(ii) contain confidential, proprietary business information regarding the number of customers AT&T has and the type of service provided to these customers. This information is related to AT&T's ongoing business affairs and can be used by AT&T's competitors to harm its competitive interests. Section 364.183, Florida Statutes, allows for an exemption from the disclosure requirements of section 119.07, Florida Statutes, when disclosure would "impair the competitive business of the provider of the information." Therefore, the information should be shielded from disclosure pursuant to section 119.07, Florida Statutes and section 24(a), Art. 1 of the State Constitution.

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