

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition by Verizon Florida Inc. to reform intrastate network access and basic local telecommunications rates in accordance with Section 364.164, Florida Statutes.

DOCKET NO. 030867-TL

In re: Petition by Sprint-Florida, Incorporated to reduce intrastate switched network access rates to interstate parity in revenue-neutral manner pursuant to Section 364.164(1), Florida Statutes.

DOCKET NO. 030868-TL

In re: Petition for implementation of Section 364.164, Florida Statutes, by rebalancing rates in a revenue-neutral manner through decreases in intrastate switched access charges with offsetting rate adjustments for basic services, by BellSouth Telecommunications, Inc.

DOCKET NO. 030869-TL

In re: Flow-through of LEC switched access reductions by IXCs, pursuant to Section 364.163(2), Florida Statutes.

DOCKET NO. 030961-TI  
ORDER NO. PSC-04-0244-CFO-TL  
ISSUED: March 4, 2004

ORDER GRANTING AT&T'S REQUEST FOR SPECIFIED CONFIDENTIAL  
CLASSIFICATION FOR DOCUMENT NO. 11694-03  
AND CONFIDENTIAL HEARING EXHIBIT 75

BY THE COMMISSION:

On August 27, 2003, Verizon Florida Inc. (Verizon), Sprint-Florida, Incorporated (Sprint), and BellSouth Telecommunications, Inc. (BellSouth), each filed petitions pursuant to Section 364.164, Florida Statutes, and respective Dockets Nos. 030867-TL, 030868-TL, and 030869-TL were opened to address those petitions in the time frame provided by Section 364.164, Florida Statutes. On October 1, 2003, Verizon filed its amended petition.

During the 2003 Regular Session, the Florida Legislature enacted the Tele-Competition Innovation and Infrastructure Enhancement Act (Tele-Competition Act or Act). The Act became effective on May 23, 2003. Part of the new Tele-Competition Act is the new Section 364.164,

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Florida Statutes, whereby the Legislature established a process by which each incumbent local exchange telecommunications carrier (ILEC) may petition the Commission to reduce its intrastate switched network access rate in a revenue-neutral manner. This matter was set for hearing on December 10-12, 2003.

On January 6, 2003, AT&T Communications of the Southern States, LLC (AT&T) filed its Request for Confidential Classification of portions of prefiled Direct Testimony of Richard T. Guepe, identified as Document No. 11694-03. AT&T states that it seeks confidential classification for certain information contained in that testimony. Additionally, during the hearing, an exhibit was created and later identified at page 1375 of the Hearing Transcript as Confidential Hearing Exhibit 75. This exhibit contains the confidential handwritten estimate of the relative AT&T business/residence market share associated with the proposed flow through of access charge reductions. AT&T asserts that all the information for which it seeks confidential treatment falls within Florida Statutes Section 364.183(3)(e), which defines the term, "proprietary confidential business information," to include "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information." AT&T contends that if competitors were able to acquire this detailed and sensitive information regarding AT&T, they could more easily develop entry and marketing strategies to ensure success in competing with AT&T. AT&T contends that this would afford them an unfair advantage while severely jeopardizing AT&T's competitive position. AT&T asserts that in a competitive business, any knowledge obtained about a competitor can be used to the detriment of the entity to which it pertains, often in ways that cannot be fully anticipated. AT&T contends that this unfair advantage skews the operation of the market, to the ultimate detriment of the telecommunication consumer. AT&T states that a detailed justification of the confidentiality of the information at issue is attached as Attachment A, which is incorporated by reference.

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 AT&T's 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 of Document No. 12680-03 is hereby granted.

Based on the foregoing, it is


ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that AT&T Communications of the Southern States, LLC's Request for Specified Confidential Classification of Document No. 11694-03, and Confidential Hearing Exhibit 75, as set forth in Attachment A, 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.

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By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this  
4th day of March, 2004.

  
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RUDOLPH "RUDY" BRADLEY  
Commissioner and Prehearing Officer

( S E A L )

LF

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  
AT&T Communications of the Southern States, LLC  
Request for Confidential Classification  
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January 6, 2004

Request for Confidential Classification of AT&T Communications of the Southern States, LLC's prefiled Direct Testimony of Richard T. Guepe and Confidential Hearing Exhibit 75 in Docket Nos. 030867, 030868, 030869, and 030961

Explanation of Proprietary Information

1. This information contains certain facts regarding AT&T's current operating position. The public disclosure of this information would provide AT&T's competitors with an advantage in that they would know the amount of access savings expected by AT&T and the allocation of the flow-through to AT&T's residential and business customers. AT&T is not able to obtain this information for its competitors. Therefore, it would be inequitable and unfair for AT&T's competitors to have access to AT&T's information. For these reasons, the public disclosure of such information would impair the competitive business position of AT&T, and the information is, therefore, entitled to confidential classification under the terms of Section 364.183(3)(e), Florida Statutes. AT&T considers such information to be trade secrets and proprietary, confidential business information which, if disclosed, would be of benefit to competitors and cause harm to the company and its customers. Such information provides AT&T an economic benefit, and is not known to or readily ascertainable by other persons. Such information is economically valuable to AT&T and its competitors, and AT&T treats such information as confidential and the company utilizes many processes and procedures to maintain its secrecy.

<u>LOCATION</u>	<u>REASON</u>
Direct Prefiled Direct Testimony of Richard T. Guepe Pages 10 and 11	1
Confidential Hearing Exhibit 75	1