

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-04-0256-CFO-TL
ISSUED: March 8, 2004

ORDER GRANTING BELL SOUTH'S REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO. 12716-03

BY THE COMMISSION:

The Florida Legislature enacted the Tele-Competition Innovation and Infrastructure Enhancement Act (Tele-Competition Act or Act) which became effective on May 23, 2003. On August 27, 2003, BellSouth Telecommunications, Inc. (BellSouth), Verizon Florida Inc. (Verizon), and Sprint-Florida, Incorporated (Sprint), each filed petitions pursuant to Section 364.164, Florida Statutes. Docket Nos. 030867-TL (Verizon), 030868-TL (Sprint), and 030869-TL (BellSouth) were opened to address these petitions in the time frame provided by Section 364.164, Florida Statutes. On September 4, 2003, the Order Establishing Procedure and Consolidating Dockets for Hearing, Order No. PSC-03-0994-PCO-TL, was issued. At the September 15, 2003, Agenda Conference, the Commission decided to hold public hearings in the above-referenced dockets. On November 4, 2003, Order No. PSC-03-1240-PCO-TL was issued, consolidating Docket No. 030961 into this Docket and modifying certain procedures therein.

DOCUMENT NUMBER-DATE

03254 MAR-8 3

FPSC-COMMISSION

On December 9, 2003, BellSouth filed a request for confidential classification and Motion for Permanent Protective Order. In its request, BellSouth seeks confidential classification of information contained in its supplemental responses to OPC's Second and Third Set of Interrogatories Nos. 25, 27, 39, 41, 42, 43, 46, and 47 and Second Request for Production of Documents, Nos. 26, 27, and 28 (Document No. 12716-03) (See Attachment A). Attachment A, attached hereto and incorporated herein, outlines the location and specific justification for the request addressed herein. BellSouth asserts that the public disclosure of this information would cause competitive harm to BellSouth and provide competitors with an unfair advantage.

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 forth 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 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.

Upon inspection, based on the definition of proprietary confidential business information in Section 364.183(3), Florida Statutes, it appears that the material contained in these documents 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 Bellsouth's 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. 12716-03, identified in Attachment A is hereby granted. To the extent that BellSouth's Motion for Permanent Protective Order goes beyond the provisions of Order No. PSC-03-1268-PCO-TL, Protective Order Governing Handling of Confidential Information, issued November 10, 2003, the Motion for Permanent Protective Order is denied.

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ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Request for Specified Confidential Classification of Document No. 12716-03, as set forth in the body of this Order and also in Attachment A, which is incorporated herein by reference, is hereby granted. It is further

ORDERED that to the extent that BellSouth Telecommunications, Inc.'s Motion for Permanent Protective Order goes beyond the provisions of Order No. PSC-03-1268-PCO-TL, the Motion for Permanent Protective Order is denied. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the material 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 Rudolph "Rudy" Bradley, as Prehearing Officer, this
8th day of March, 2004.



RUDOLPH "RUDY" BRADLEY
Commissioner and Prehearing Officer

(SEAL)

FRB

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.

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ATTACHMENT A

BellSouth Telecommunications, Inc.
FPSC Docket No. 030867-TL, 030868-TL
030869-TL and 030961-TL
Request for Confidential Classification
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12/9/03

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S
SUPPLEMENTAL RESPONSE
TO OPC'S SECOND AND THIRD SET OF INTERROGATORIES (NOS. 25, 27, 39, 41,
42, 43, 46 and 47) AND THIRD REQUEST FOR PRODUCTION (NOS. 26, 27 and 28)
FILED DECEMBER 9, 2003 IN
FLORIDA DKT. NOS. 030867-TL, 030868-TL, 030869 AND 030961-TL**

Explanation of Proprietary Information

1. This information contains business information related to competitive interests of BellSouth that is proprietary to BellSouth. Disclosure of this data would impair the competitive business and cause harm to BellSouth. Specifically, this information relates to revenue, and line counts for specific retail and wholesale services. Consequently, this information should be classified as proprietary, confidential business information pursuant to Section 364.183(3)(e), Florida Statutes and is exempt from the Open Records Act.

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INTERROGATORY, ITEM NO. 25 ATTACHMENT

<u>Location</u>	<u>Reason</u>
MTS Column 2 nd Column (all numbers)	1
OCF Column 3 rd Column (all numbers)	1

INTERROGATORY, ITEM NO. 27

5 th Line of Response	1
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INTERROGATORY, ITEM NO. 39

Response Items: Columns:

Dec.31, 2001 (all numbers)	1
Dec. 31, 2002 (all numbers)	1
Aug 31, 2003 (all numbers)	1

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INTERROGATORY, ITEM NO. 41 ATTACHMENT

Columns :	2001 Jan	2001 May	2001 Sept	1
	2001 Feb	2001 Jun	2001 Oct	
	2001 Mar	2001 Jul	2001 Nov	
	2001 Apr	2001 Aug	2001 Dec	
	2001 Ann	2002 Jan	2002 Feb	
	2002 Mar	2002 Apr	2002 May	
	2002 Jun	2002 Jul	2002 Aug	
	2002 Sep	2002 Oct	2002 Nov	
	2002 Dec	2002 Ann	2003 Jan	
	2003 Feb	2003 Mar	2003 Apr	
	2003 May	2003 Jun	2003 Jul	
	2003 Aug	2003 Sep	2003 Oct	
	2003 Nov	2003 Dec	2003 Ann	

INTERROGATORY, ITEM NO. 42 ATTACHMENT

Table 1 Columns Jan-Dec (all numbers)	1
Table 2 Columns Jan-Dec (all numbers)	1

INTERROGATORY, ITEM NO. 43 ATTACHMENT

Entire Document	1
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ATTACHMENT A

BellSouth Telecommunications, Inc.
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INTERROGATORY, ITEM NO. 46

Response :

1

- (a) Year 2001 (number)
- Year 2002 (number)
- YTD 8/03 (number)
- (b) Year 2001 (number)
- Year 2002 (number)
- YTD 8/03 (number)
- (c) Year 2001 (number)
- Year 2002 (number)
- YTD 8/03 (number)

1

INTERROGATORY, ITEM NO. 47

Response: 2001 Column, 2002 Column YTD Column

1

POD NO. 26 - CD ROM

BST CD Rom Entire CD

1

POD NO. 26, 27 and 28

BellSouth Long Distance CD Rom
Entire CD

1