

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Cost recovery and allocation issues for
number pooling trials in Florida.

DOCKET NO. 001503-TP
ORDER NO. PSC-04-0479-CFO-TP
ISSUED: May 10, 2004

ORDER GRANTING BELLSOUTH'S RENEWED REQUEST FOR SPECIFIED
CONFIDENTIAL CLASSIFICATION FOR DOCUMENT NO. 02799-04 (x-ref. 01671-04)

On September 29, 2000, this docket was established to address cost recovery and allocation issues for number pooling trials in Florida. On August 5, 2002, BellSouth Telecommunications, Inc. (BellSouth) filed its Petition for Cost Recovery of its carrier-specific costs associated with state-mandated number pooling trials. By Order No. PSC-03-1096-PAA-TP, issued October 2, 2003, BellSouth's Petition for Cost Recovery was granted in part. On September 30, 2002, Sprint-Florida, Incorporated (Sprint) filed its Petition for Cost Recovery. By Order No. PSC-03-1270-PAA-TP, issued November 10, 2003, granted in part Sprint's Petition for Cost Recovery. The Office of Public Counsel (OPC) filed its protest of Order No. PSC-03-1096-PAA-TP granting in part BellSouth's Petition on October 22, 2003. OPC also filed its protest of PSC-03-1270-PAA-TP granting in part Sprint's Petition on November 26, 2003.

On February 4, 2004, BellSouth, Sprint, and OPC filed a Joint Motion to Amend Procedural Schedule. Along with their Motion, these Parties filed their Joint Stipulation of the Record of BellSouth, Sprint and OPC and BellSouth's Notice of Intent. On April 14, 2004, in Order No. PSC-04-0395-PCO-TP, the Joint Motion to Amend the Procedural Schedule was granted in part and the Joint Stipulated Record, including some additional information, was approved.

On February 25, 2004, BellSouth filed its Request for Specified Confidential Classification of Attachment 13 to the Joint Stipulated Record which is BellSouth's Petition for Cost Recovery, including its cost study. By Order No. PSC-02-1277-CFO-TP, issued September 18, 2002, BellSouth's Request for Specified Confidential Classification was granted for its cost study, which was attached to its Petition for Cost Recovery filed on August 5, 2002 (Document No. 09009-02 (x-ref. 08188-02)).

BellSouth contends that its cost study is considered proprietary. BellSouth asserts that the information contained in its cost study includes vendor-specific pricing information and other confidential business information that could cause competitive harm to BellSouth. Further, BellSouth states that the information contained in its cost study is valuable and it strives to keep it secret. Further, BellSouth states that the information has not be generally disclosed. Attachment A contains an explanation of the proprietary information along with a list that identifies the location of the information designated by BellSouth as confidential.

DOCUMENT NUMBER-DATE

05405 MAY 10 3

FPSC-COMMISSION CLERK

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 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. 02799-04 (x-ref. 01671-04) is hereby granted.

Based on the foregoing, it is

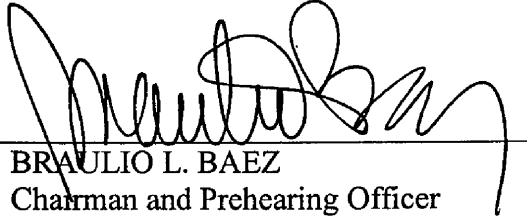
ORDERED by Chairman Braulio L. Baez, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Request for Specified Confidential Classification of Document No. 02799-04 (x-ref. 01671-04), as set forth in Attachment A, is hereby granted and incorporated by reference into this Order. It is further

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

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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 Chairman Braulio L. Baez, as Prehearing Officer, this 10th day of May, 2004.



BRAULIO L. BAEZ
Chairman and Prehearing Officer

(SEAL)

PAC

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

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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
BELLSOUTH/SPRINT/PUBLIC COUNSEL'S JOINT SUBMITTAL,
ATTACHMENT 13, Exhibit "A" FILED FEBRUARY 4, 2004, IN FLORIDA
DOCKET 001503-TP**

Explanation of Proprietary Information

1. This information contained in Attachment 13, Exhibit "A" to BellSouth's Petition for Cost Recovery is a cost study that includes vendor-specific pricing information, confidential business information and customer proprietary 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.

<u>Location</u>	<u>Reason</u>
<u>FL Savings Invst.xls</u>	
Page 4 of 13, Column D, lines 12-13	1
Page 8 of 13, Column D, lines 72,74-77,81-84 86, 88, 90	1
Page 9 of 13, Column D, Lines 92,94-97,101-104, 106, 108, 110	1
Page 11 of 13, Column B, Lines 29-30	1
Page 11 of 13, Column E, Line 40	1
<u>FL Number Pooling3.xls</u>	
Page 17 of 19, Column J, Lines 8-20,23,27-30,38	1
Page 17 of 19, Column L, Lines 21-23,31-35,38	1
Page 17 of 19, Column N, Lines 23,36-38	1
Page 17 of 19, Column O, Lines 23,36-38	1
Page 18 of 19, Column J, Lines 42-48,61,66-68,78-79	1

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<u>Location</u>	<u>Reason</u>
Page 18 of 19, Column L, Lines 49-57,61,68,72-77,79	1
Page 18 of 19, Column N, Lines 58-61,68,79	1
Page 19 of 19, Column J, Lines 83-87,89,91-92	1
Page 19 of 19, Column L, Lines 88-89,91-92	1
Page 19 of 19, Column N, Lines 89,91-92	1
Page 19 of 19, Column O, Lines 89,91-92	1