

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies. (BELLSOUTH TRACK)

DOCKET NO. 000121A-TP
ORDER NO. PSC-05-0868-CFO-TP
ISSUED: August 31, 2005

ORDER GRANTING IN PART, AND DENYING IN PART,
BELLSOUTH'S REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
DOCUMENT NOS. 04550-05 AND 04853-05

By Order No. PSC-01-1819-FOF-TP, issued September 10, 2001, in Docket No. 000121A-TP, we adopted a Performance Assessment Plan for purposes of monitoring performance levels of Operations Support Systems provided to CLECs. The Performance Assessment Plan is comprised of a Service Quality Measurement Plan (SQM) and a Self-Effectuating Enforcement Mechanism (SEEM) Administrative Plan. The SQM is a comprehensive and detailed description of BellSouth Telecommunications, Inc.'s (BellSouth) performance measurements. BellSouth's SQM Plan currently consists of 90 measurements with each related to a specific portion of BellSouth's Operations Support Systems. The SEEM Plan includes key measures to which remedy payments are applied if BellSouth fails to meet the performance standards as agreed by the parties and approved by this Commission.

On April 19, 2005, BellSouth filed the Final Report of the Audit of BellSouth's Performance Assessment Plan for Florida conducted by the Liberty Consulting Group (Final Report). On May 10, 2005, BellSouth filed a Request for Confidential Classification pursuant to Section 364.183(12), Florida Statutes. In its request, BellSouth seeks confidential classification of certain information contained in the Final Report (Document Nos. 04550-05 and 04853-05).

BellSouth asserts in its request that certain information contained in the Final Report is proprietary and confidential business information of a technical nature used by BellSouth in conducting its business and not commonly known by or available to the public. BellSouth asserts it derives economic value from this information not being generally known to, and not being readily ascertainable by competitors who can obtain economic value from its disclosure. Specifically, BellSouth contends the Final Report contains network operations/systems that are necessary to implement the SEEM plan and the functions each perform, as well as specific coding of order which BellSouth considers proprietary 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

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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 portions of the material described herein is proprietary business information in accordance with Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. This information is related to Bellsouth's competitive interests, the disclosure of which could impair BellSouth's competitive business interests. However, certain information BellSouth requests to be classified as confidential is available through open source documents or is otherwise publicly available. As such, BellSouth's Request for Confidential Classification of certain information contained in the Final Report is hereby granted in part, and denied in part, as set forth in Attachment A of this Order.

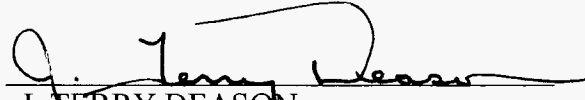
Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Request for Confidential Classification of the Final Report of the Audit of BellSouth's Performance Assessment Plan for Florida conducted by the Liberty Consulting Group (Nos. 04550-05 and 04853-05) is granted in part, and denied in part, as set forth in Attachment A. 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 J. Terry Deason, as Prehearing Officer, this 31st day of August, 2005.


J. TERRY DEASON
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.

BellSouth Telecommunications, Inc.'s Request for Confidential Classification of the Final Report of the Audit of BellSouth's Performance Assessment Plan for Florida (Document Nos. 04550-05 and 04853-05)

DECISION

Location w/in the (redacted) SEEM Final Report	Granted	Denied	Rationale
Pg 5, lines 31	X		
Pg 5, lines 31-35, 37-41		X	No evidence that descriptions are proprietary, impart privileged information, or confer undue advantage.
Pg 5, lines 12, 23-25, 27	X		
Pg 6, lines 1-2		X	Common acronym found in this or other BST documentation.
Pg 6, lines 1-11, 18, 24, fn 11 (except as noted above)	X		
Pg 7, lines 1, 13-25, 33	X		
Pg 30, lines 33-34, fn 59		X	Publicly available software; used in this report without claim of confidentiality.
Pg 31, lines 2, 5		X	Publicly available software; used in this report without claim of confidentiality.
Pg 39, lines 15, 20		X	Publicly available software; used in this report without claim of confidentiality.
Pg 65, lines 4, 7, 8, 10		X	In open source documents; appears without confidentiality request elsewhere
Pg 66 lines 25-26		X	Found in open source documents.
Pg 66 line 35, fn 176	X		
Pg 67, lines 1-3, 9-11, 14, 15, 17, 21, 22, 26, 35, 36, 37, 39, 41	X		
Pg 68, lines 2, 8, 9, 11-13, 15-16, 19-20, 22-24, 26, 31	X		
Pg 69, line 13	X		
Pg 70, lines 6, 7, 10, 14, 18, 20		X	Common acronym found in this or other BST documentation.
Pg 70, lines 4, 8, 9, 11	X		
Pg 71, lines 1, 6, 7, 21		X	Common acronym found in this or other BST documentation.
Pg 71, lines 35-36, 39, 42-43	X		
Pg 72, line 2	X		
Pg 75, lines 17, 21		X	Common acronym found in this or other BST documentation.
Pg 75, lines 16-18, 21-22, 24-25, 35 (except as noted above)	X		
Pg 76, lines 21, 32-33, fn 203	X		
Pg 77, line 34, fn 206		X	Found in open source documents.

BellSouth Telecommunications, Inc.'s Request for Confidential Classification of the Final Report of the Audit of BellSouth's Performance Assessment Plan for Florida (Document Nos. 04550-05 and 04853-05)

Location w/in the (redacted) SEEM Final Report	DECISION		Rationale
	Granted	Denied	
Pg 78, lines 11, 25, 27,		X	<i>Common acronym found in this or other BST documentation.</i>
Pg 78, lines 10-11, 22-25, 27, 30, 31, 33, 40-41, fn 207 (except as noted above)	X		
Pg 79, lines 4, 14, 22	X		
Pg 80, lines 14, 17,31, 34, 36, 38		X	<i>Common acronym found in this or other BST documentation.</i>
Pg 80, lines 13-17, 24, 29-39, fn 216 (except as noted above)	X		
pg. 81, lines 2, 3, 4		X	<i>Common acronym found in this or other BST documentation.</i>
Pg 81, lines 1-4, 7-8, 21-23, 35-36 (except as noted above)	X		
Pg 84, lines 12		X	<i>Common acronym found in this or other BST documentation.</i>
Pg 84, lines 21	X		
Pg 85, lines 2-3		X	<i>Found in open source documents and is printed without request for confidentiality in this report (fn 172).</i>
Pg 87, lines 16, 18		X	<i>Common acronym found in this or other BST documentation.</i>
Pg 88, lines 13	X		
Pg 88, lines 13, 33-34, 36		X	<i>Common acronym found in this or other BST documentation.</i>
Pg 89, lines 17, 22, fn 245	X		
Pg 89, lines 26		X	<i>Common acronym found in this or other BST documentation.</i>
Pg 90, line 34	X		
Pg 91, line 1	X		
Pg 92, line 18	X		
Pg 95, line 33	X		
Pg 98, lines 26, 33, 37		X	<i>Common acronym found in this or other BST documentation</i>
Pg 98, lines 38		X	<i>Disapprove the words "the entire..."; this confers no specific advantage to potential BST competitors.</i>
Pg 98, lines 38, 40	X		
Pg 99, lines 10-11, 13-14, 20		X	<i>Common acronym found in this or other BST documentation</i>
Pg 99, lines 22-24, 26-29, 31-32, 40	X		
Pg 100, lines 12, 14-15, 18, 24, 28, 32, columns entitled "Error Code" & "Error Code Description"	X		

BellSouth Telecommunications, Inc.'s Request for Confidential Classification of the Final Report of the Audit of BellSouth's Performance Assessment Plan for Florida (Document Nos. 04550-05 and 04853-05)

DECISION

Location w/in the (redacted) SEEM Final Report	Granted	Denied	Rationale
Pg 101, line 2		X	<i>Common acronym found in this or other BST documentation</i>
Pg 101, lines 1, columns entitled "Error Code" & "Error Code Description", 2, 5, 10, 12, 13-14, 17-21, 26, 30, fn 279	X		
Pg 102, lines 1, 10, 12, 14, 21, 24-25, 29, 32, fn 285, fn 287	X		
Pg 103, lines 2, 6	X		
Pg 104, line 29			<i>Common acronym found in this or other BST documentation</i>
Pg 104, lines 22, 24, 27-29, 31, 34, 36, 38-39, 41	X		
Pg 105, lines 19, 33		X	<i>Common acronym found in this or other BST documentation</i>
Pg 105, lines 1, 3-6, 8, 12-13, 17, 19, 22, 26-33, fn 305, fn 308	X		
Pg 106, lines 1,3, 5, 6		X	<i>Common acronym found in this or other BST documentation</i>
Pg 106, lines 17-18		X	<i>Common acronym found in this or other BST documentation</i>
Pg 106, lines 1-3, 5-6, 9, 16, fn 308 (cont.)	X		
Pg 107, lines 9, 12-14, 17, 20, 22, 35, fn 318	X		
Pg 107, lines 29, 31		X	<i>The term "LU01" is used elsewhere in this report without request for confidentiality.</i>
Pg 108, lines 1-5, 7, 11-15, 17, 20-23, 25, 27, 31-32, 35-36, fn 320, fn 323	X		
Pg 109, lines 2, 6-8, 10-24, 28, 30, 32, fn 324, fn 327	X		
Pg 110, lines 6-14, fn 329	X		
Pg 111, lines 5, 7, 38		X	<i>Common acronym found in this or other BST documentation</i>
Pg 111, lines 8-12, 14	X		
Pg 112, lines 1, 39-40		X	<i>Common acronym found in this or other BST documentation</i>
Pg 112, lines 19, 21	X		
Pg 113, lines 1, 4, 21, 23, 28		X	<i>Common acronym found in this or other BST documentation</i>
Pg 114, lines 3,5		X	<i>"...work type ID..." is common terminology, conveys no advantage or proprietary information to competitors.</i>
Pg 114, lines 4	X		
Pg 118, lines 26-27		X	<i>the words "...fact tables..." convey no specific advantage or proprietary information to potential competitors</i>

BellSouth Telecommunications, Inc.'s Request for Confidential Classification of the Final Report of the Audit of BellSouth's Performance Assessment Plan for Florida (Document Nos. 04550-05 and 04853-05)

DECISION

Location w/in the (redacted) SEEM Final Report	Granted	Denied	Rationale
Pg 118, lines 33, 35, 37, fn 351	X		
Pg 119, line 1, 11		X	<i>Common acronym found in this or other BST documentation. The terms "PMIA DM" and "OCI DM" do not convey an advantage to potential competitors nor disadvantage BellSouth.</i>
Pg 119, lines 1, 3-13 (excluding "LMOS" on line 11 as noted above) , 18-20, 22, 25, 30, 34-35, 37-39	X		
Pg 120, lines 3, 6, 8, 37 column entitled "SNAPRADS Table Name"	X		
Pg 121, line 5		X	<i>Common acronym found in this or other BST documentation. The terms "PMIA DM" and "OCI DM" do not convey an advantage to potential competitors nor disadvantage BellSouth.</i>
Pg 121, line 1, column 1, lines 2-3, 5-9 (excluding "LMOS" as noted above), 12, 16 column entitled "SNAPRADS Table Name", 19-21	X		
Pg 122, lines 4-5, 9, 17-18, 21, 24-25, 27, 30, 34, 37-38, 40	X		
Pg 123, lines 7, 9		X	<i>Common acronym found in this or other BST documentation. "MAD DM" does not convey an advantage to potential competitors nor disadvantage BellSouth.</i>
Pg 123, lines 10-14, 37	X		
Pg 124, lines 1	X		
Pg 124, lines 24-25		X	<i>Common acronym found in this or other BST documentation.</i>
Pg 125, lines 5-6, 29-30		X	<i>Common acronym found in this or other BST documentation.</i>
Pg 132, lines 19-20	X		
Pg 132, line 23		X	<i>Common acronym found in this or other BST documentation.</i>
Pg 133, lines 1,2, 7, 21		X	<i>Common acronym found in this or other BST documentation.</i>
Pg 133, lines 22, 26, 29, 32, 36, fn 399, fn 402	X		
Pg 134, lines 15 (column entitled "Table Name"), lines 23-24		X	<i>Common acronym found in this or other BST documentation.</i>
Pg 134, lines 4, 6, 12, 14, 15 column entitled "Table Name"(except as noted above), fn 178	X		
Pg 135, lines 22 & 30		X	<i>"company lookup table" is in this report without a claim for confidentiality.</i>

BellSouth Telecommunications, Inc.'s Request for Confidential Classification of the Final Report of the Audit of BellSouth's-Performance Assessment Plan for Florida (Document Nos. 04550-05 and 04853-05)

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Location w/in the (redacted) SEEM Final Report	Granted	Denied	Rationale
Pg 135, lines 20, 27, 28		X	Common acronym found in this or other BST documentation.
Pg 135, lines 2-3, 10-18, 20-24, 27-31, fn 405, fn 406 (with exceptions as noted above)	X		
Pg 136, 14		X	Company name is not confidential.
Pg 136, lines 2-4, 7, 10, 12, 14-21, fn 408 (with exception as noted above)	X		
Pg 137, lines 5, 7		X	Common acronym found in this or other BST documentation.
Pg 137, lines 16-17, 21, 23	X		
Pg 140, lines 31, 33-36, 38	X		
Pg 142, lines 5, 7, 9-10	X		
Pg 142, lines 14		X	The word "...fact..." conveys no specific advantage or proprietary information to potential competitors and appears without protection in this report.
Pg 143, fn 437	X		
Pg 148, lines 18, 21, 23, 34-35, fn 454	X		
Pg 149, fn 455		X	Common acronym found in this or other BST documentation.
Pg 150, lines 23, 28		X	The term "PR-17" is used openly (without a claim of confidentiality) in the narrative of the finding on the same page.
Pg 153, lines 1, 9, 12-15, 21, 30-31 (with exceptions as noted below)	X		
Pg 153, lines 15		X	The term "LU01" is used in this report without a claim for confidentiality (e.g. pg 152, line 27)
Pg 153, lines 30		X	Disapprove line 30 "... (D and F)..." and line 31 "... (D)..." . Found in the SQM Plan and convey no specific advantage or proprietary information to potential competitors
Pg 154, lines 3, 11, 32, 35, 37, 39 (with exception as noted below)	X		
Pg 154, lines 11		X	Common acronym found in this or other BST documentation.
Pg 155, lines 4, 6, 30-31	X		
Pg 155, lines 33-35		X	Common acronym found in this or other BST documentation.
Pg 156, lines 3-5, 20, 31 (with exceptions as noted below)	X		

BellSouth Telecommunications, Inc.'s Request for Confidential Classification of the Final Report of the Audit of BellSouth's Performance Assessment Plan for Florida (Document Nos. 04550-05 and 04853-05)

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Location w/in the (redacted) SEEM Final Report	Granted	Denied	Rationale
Pg 156, lines 3 & 5		X	Common acronym found in this or other BST documentation.
Pg 157, lines 30-32, 38-39	X		
Pg 158, lines 1, 17, fn 487, fn 489	X		
Pg 159, lines 33, 36-38, 40-41	X		
Pg 161, line 7		X	Common acronym found in this or other BST documentation.
Pg 161, lines 6, 15, 17-18, 21, 30, fn 496	X		
Pg 162, line 26	X		
Pg 163, line 24	X		
Pg 166, lines 29-31	X		
Pg 168, lines 13, 15-16, fn 518	X		
Pg 170, line 39	X		
Pg 171, lines 1-2	X		
Pg 177, lines 6, 9	X		
Pg 185, lines 6-7, 12, 38	X		
Pg 186, lines 17-18, 29-30	X		
Pg 188, lines 3-4, 6, 31, 35	X		
Pg 189, lines 17, 22, 34, fn 576, fn 578	X		
Pg 190, lines 8-10, fn 581	X		
Pg 191, lines 27, 30, 32, 40, fn 584	X		
Pg 192, lines 33-34, 38	X		
Pg 193, line 7	X		
Pg 196, lines 19, 24-28, 30-31, 33, 36, 41-42	X		
Pg 197, lines 5-6, 11, 13-14	X		
Pg 198, lines 10-13, 17-18, 20	X		
Pg 207, lines 10		X	"DM" is used elsewhere in this report without request for confidentiality
Pg 207, lines 10, 12, 14-15, 17	X		
Pg 208, lines 20-23, 27-28, 30	X		