

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition by MCImetro Access Transmission Services LLC for arbitration of certain terms and conditions of proposed interconnection agreement with BellSouth Telecommunications, Inc.	DOCKET NO. 050419-TP ORDER NO. PSC-06-0175-CFO-TP ISSUED: March 6, 2006
--	---

ORDER GRANTING BELLSOUTH TELECOMMUNICATIONS, INC.'S
REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION
OF DOCUMENT NO. 11216-05 (X-REF DOCUMENT NO. 11556-05)

I. Case Background

On June 20, 2005, MCImetro Access Transmission Services, LLC d/b/a Verizon Access Transmission Services (Verizon Access) filed its Petition for Arbitration of certain terms and conditions of a proposed interconnection agreement with BellSouth Telecommunications, Inc. (BellSouth). On July 15, 2005, BellSouth filed its response to Verizon Access's Petition. Pursuant to Verizon Access's request for arbitration, this matter has been scheduled for an administrative hearing.

On December 9, 2005, BellSouth filed a Request for Specified Confidential Classification. In its request, BellSouth seeks confidential classification of information contained in documents BellSouth produced in response to Staff's First Request for Production of Documents, No. 2 (Document No. 11216-05; x-ref Document No. 11556-05). In support of its request, BellSouth asserts that the information contained in the documents are confidential because Verizon Access informed BellSouth that the information was confidential. (See Attachment A) After reviewing the request, our staff determined that this was an insufficient justification for confidential classification of Verizon Access's information. As a result, our legal counsel requested that Verizon Access file a supplemental justification to explain the nature of the information in question. On February 9, 2006, Verizon Access filed a letter (Attachment B) detailing the nature of the information in question and the reasons it should be classified as confidential. Attachments A and B, attached hereto and incorporated herein, contain a more detailed and complete justification of the confidentiality of the information at issue. I understand that Verizon Access treats this information as confidential and it has not otherwise been released.

II. Analysis

Florida law presumes that documents submitted to governmental agencies are public records. The only exceptions to this presumption are the specific statutory exemptions provided in the law and exemptions granted by governmental agencies under 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, places the burden on the company to demonstrate that received documents fall into one of the statutory examples set out

DOCUMENT NUMBER-DATE

01920 MAR-6 g

FPSC-COMMISSION CLERK

in Section 364.183, Florida Statutes, or to demonstrate that the information is proprietary confidential information, the disclosure of which will harm the company or its ratepayers.

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, 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 could harm Verizon Access by giving its competitors an unfair advantage in developing their own competitive strategies. As such, BellSouth’s Request for Specified Confidential Classification of Verizon Access’s proprietary business information contained in documents BellSouth produced in response to Staff’s First Request for Production of Documents, No. 2 (Document No. 11216-05; x-ref Document No. 11556-05) is hereby granted.

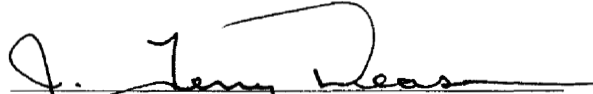
Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that BellSouth Telecommunications, Inc.’s Request for Confidential Classification of Document No. 11216-05 (x-ref Document No. 11556-05), as set forth in Attachments A and B, which are attached and incorporated herein, is 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 shall be the only notification by the Commission to BellSouth Telecommunications, Inc. concerning the expiration of the confidentiality time period.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 6th day of March, 2006.


J. TERRY DEASON
Commissioner and Prehearing Officer

(S E A L)

KS

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.

ORDER NO. PSC-06-0175-CFO-TP
DOCKET NO. 050419-TP
PAGE 4

ATTACHMENT A

BellSouth Telecommunications, Inc.
FPSC Docket No. 050419-TP
Request for Confidential Classification
Page 1 of 2
12/9/05

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S RESPONSE
TO STAFF'S REQUEST FOR PRODUCTION OF DOCUMENTS, ITEM NO 2, FILED
NOVEMBER 22, 2005 IN FLORIDA DOCKET NO. 050419-TP**

Explanation of Proprietary Information

1. MCI has advised that information contains MCI's confidential business information.

ORDER NO. PSC-06-0175-CFO-TP
DOCKET NO. 050419-TP
PAGE 5

ATTACHMENT A

BellSouth Telecommunications, Inc.
FPSC Docket No. 050419-TP
Request for Confidential Classification
Page 2 of 2
12/9/05

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S RESPONSE
TO STAFF'S REQUEST FOR PRODUCTION OF DOCUMENTS, ITEM NO 2, FILED
NOVEMBER 22, 2005 IN FLORIDA DOCKET NO. 050419-TP**

Production of Documents, Item No. 2

Columns:

Reason

Trunk Group Serial Number
MCI MOU

1
1

GRAND TOTAL Line

1

ORDER NO. PSC-06-0175-CFO-TP
DOCKET NO. 050419-TP
PAGE 6

ORIGINAL

Law and Public Policy
1203 Governor's Square Boulevard
Suite 201
Tallahassee, FL 32301
Telephone 850 219 1008



February 9, 2006

By Hand Delivery

Kira Scott
Florida Public Service Commission
Office of the General Counsel
2540 Shumard Oaks Boulevard
Tallahassee, Florida 32399-0850

RECEIVED-FPSC
06 FEB -9 PM 2:54
COMMISSION
CLERK

Re: Docket No. 050419-TL

Dear Ms. Scott,

Pursuant to your request, MCI metro Access Transmission Services LLC d/b/a Verizon Access Transmission Services ("Verizon Access") is providing a supplemental explanation concerning the Requests for Confidential Classification in Docket No. 050419-TL filed by BellSouth Telecommunications, Inc. ("BellSouth").

On December 9, 2005, BellSouth filed a request for confidential classification for specific information identified in Document No. 11555 stating that Verizon Access advised that the information is confidential business information. As further explanation, Verizon Access treats its trunk group information, minutes of use and grand total lines as proprietary confidential business information the disclosure of which would impair the competitive business of Verizon Access by providing competitors with valuable information regarding the configuration of Verizon Access's network and usage over portions of its network.

Likewise, on December 16, 2005, BellSouth filed a request for confidential classification for specific information identified in Document No. 11687 stating that Verizon Access advised that the information is confidential business information. As further explanation, Verizon Access treats its two-way trunk group information identified on page 3 of Mr. Decker's Rebuttal Testimony and in Exhibit SD-1 as proprietary confidential business information, the disclosure of which would impair the competitive business information of Verizon Access by providing competitors with valuable information regarding the configuration and usage of Verizon Access's network. BellSouth also requested confidential classification for pages 1-28 of Exhibit PAT-9, which contains correspondence between BellSouth and Verizon Access regarding specific billing issues. Verizon Access treats this information as proprietary confidential business information, the disclosure of which would impair the competitive business of Verizon Access by providing competitors with valuable information regarding specific billing accounts.

- CMP 1
- COM _____
- CTR _____
- ECR _____
- GCL 1
- OPC _____
- RCA _____
- SCR _____
- SGA _____
- SEC 1
- OTH Lockard

(conf DNS: 11556-05-x-ref.11216-05)
11687-05-x-ref.11367-05

DOCUMENT NUMBER-DATE

01153 FEB-9 06

FPSC COMMISSION CLERK

ORDER NO. PSC-06-0175-CFO-TP
DOCKET NO. 050419-TP
PAGE 7

If you have any further questions, please contact me at your earliest convenience.

Sincerely,

Donna Canzano McNulty
Donna Canzano McNulty

cc: Parties of Record
Commission Clerk's Office