

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition to recover 2005 tropical system related costs and expenses, by BellSouth Telecommunications, Inc.

DOCKET NO. 060598-TL  
ORDER NO. PSC-07-0068-CFO-TL  
ISSUED: January 26, 2007

ORDER GRANTING BELL SOUTH TELECOMMUNICATIONS, INC.'S REQUEST  
FOR SPECIFIED CONFIDENTIAL CLASSIFICATION OF  
DOCUMENT NO. 09856-06 (x-ref. 09284-06)

On October 26, 2006, BellSouth Telecommunications, Inc. (BellSouth) filed a request for specified confidential classification. In its request, BellSouth seeks confidential classification of information contained in BellSouth's Responses to Citizen's First Request for Production Nos. 1-5 and 7 (Document No. 09856-06 (x-ref. 09284-06)), which consists of a summary of accruals to the storm reserve, along with supporting analysis. BellSouth asserts Document No. 09856-06 contains confidential information pursuant to Sections 364.183 and 364.24, Florida Statutes. Attachment A, attached hereto and incorporated herein, contains a detailed justification of the confidentiality of the information at issue. I understand that BellSouth treats this information as confidential and it has not otherwise been released.

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.

Pursuant to Sections 364.183 (3) and Section 364.24, Florida Statutes, it appears that the material described herein is proprietary and should be granted confidential status. As such, BellSouth's Request for Specified Confidential Classification of its Responses to Citizen's First

DOCUMENT NUMBER-DATE

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ORDER NO. PSC-07-0068-CF0-TL  
DOCKET NO. 060598-TL  
PAGE 2

Request for Production Nos. 1-5 and 7 (Document No. 09856-06 (x-ref. 09284-06)), is hereby granted.


Based on the foregoing, it is

ORDERED by Chairman Lisa Polak Edgar, as Presiding Officer, that BellSouth Telecommunications, Inc.'s Request for Specified Confidential Classification of Document No. 09856-06 (x-ref. 09284-06), as set forth in Attachment A, which is attached and incorporated herein, is granted. It is further

ORDERED that pursuant to Sections 364.183 and 364.24, 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 Chairman Lisa Polak Edgar, as Presiding Officer, this 26th day of January, 2007.

  
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LISA POLAK EDGAR  
Chairman and Presiding Officer

( S E A L )

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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.

ATTACHMENT A

BellSouth Telecommunications, Inc.  
FPSC Dkt No. 060598-TL  
Request for Confidential Classification  
Page 1 of 2  
10/26/06

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELL SOUTH'S RESPONSE  
TO CITIZENS' FIRST REQUEST FOR PRODUCTION NOS. 1,2,3,4,5 AND 7 FILED  
OCTOBER 6, 2006**

**Explanation of Proprietary Information**

1. This information contains confidential, proprietary business information of BellSouth. BellSouth strives to keep this information confidential and not publicly disclose the information. This information contains detailed budget, financial and strategic information for BellSouth. Disclosure of revenue accounting and business costs could give competitors a clear picture of the resources required to provide services. Knowledge of such resource requirements could harm the competitive interests of BellSouth.
2. The information requested contains a listing of in service/out of service access lines down per central office. This information is proprietary and confidential business information used by BellSouth in conducting its business, and not commonly known by or available to the public. Such information is of a competitive nature in that it could be used as an indicator of market share, therefore, this information is entitled to confidential classification.

ATTACHMENT A

BellSouth Telecommunications, Inc.  
FPSC Dkt No. 060598-TL  
Request for Confidential Classification  
Page 2 of 2  
10/26/06

REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S RESPONSE  
TO CITIZENS' FIRST REQUEST FOR PRODUCTION NOS. 1,2,3,4,5 AND 7 FILED  
OCTOBER 6, 2006

<u>POD NO. 1</u>	<u>Reason</u>
Entire Document	1
<u>POD No. 2</u>	
Entire Document	1
<u>POD No. 3</u>	
Entire Document	1
<u>POD No. 4</u>	
Entire Document	1
<u>POD No. 5</u>	
Entire Document	2
<u>POD No. 7</u>	
Entire Document	1