

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 000121A-TP
ORDER NO. PSC-07-0833-CFO-TP
ISSUED: October 16, 2007

ORDER GRANTING BELLSOUTH TELECOMMUNICATIONS, INC. D/B/A AT&T
FLORIDA'S REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION
OF DOCUMENT NO. 06377-07

I. Case Background

By Order No. PSC-01-1819-FOF-TP, issued September 10, 2001, in Docket No. 000121A-TP, this Commission adopted a Performance Assessment Plan for purposes of monitoring performance levels of Operations Support Systems provided to Competitive Local Exchange Telecommunications Companies (CLECs). The Performance Assessment Plan comprises 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. d/b/a AT&T Florida's (AT&T) performance measurements. AT&T's SQM Plan currently consists of 90 measurements with each related to a specific portion of AT&T's Operations Support Systems. The SEEM Plan includes key measures to which remedy payments are applied if AT&T fails to meet the performance standards as agreed by the parties and approved by this Commission.

On July 25, 2007, AT&T filed a Request for Specified Confidential Classification. In its request, AT&T seeks confidential classification of certain information contained in its responses to Commission staff's request for certain information in its Notice of Workshop, issued May 2, 2007 (Document No. 06377-07). Attachment A, attached hereto and incorporated herein, contains a detailed justification of the confidentiality of the information at issue. I understand that AT&T treats this information as confidential and it has not otherwise been released.

II. Analysis and Decision

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

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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. As such, AT&T's Request for Specified Confidential Classification of certain information contained in its responses to Commission staff's request for certain information in its Notice of Workshop, issued May 2, 2007 (Document No. 06377-07) is hereby granted.


Based on the foregoing, it is

ORDERED by Commissioner Matthew M. Carter II, as Prehearing Officer, that BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Request for Confidential Classification of Document No. 06377-07, as set forth in Attachment A, which is 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 Matthew M. Carter II, as Prehearing Officer, this 16th
day of October, 2007.



MATTHEW M. CARTER II
Commissioner and Prehearing Officer

(S E A L)

AJT

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 Office of Commission Clerk, 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

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**REQUEST FOR CONFIDENTIAL CLASSIFICATION FOR AT&T FLORIDA'S
LSR CLARIFICATION ISSUES MATRIX
FILED JULY 25, 2007 IN
FLORIDA DOCKET NO. 000121A-TP**

Explanation of Proprietary Information

1. This information contains confidential business information related to the competitive interests of AT&T Florida that is proprietary to AT&T Florida. Specifically, this information relates to AT&T Florida's business relationships with Competitive Local Exchange Carriers (CLECs). This information further contains AT&T Florida's designation of the CLEC making specific requests and the Purchase Order Number (PON) submitted by that specific CLEC. These documents are not publicly available. Disclosure of this data would impair the competitive business and cause harm to AT&T Florida and certain CLECs. 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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LSR CLARIFICATION ISSUES MATRIX

<u>Location</u>	<u>Reason</u>
All information contained in Column Two of the LSR Clarification Issues Matrix titled <i>CLEC</i> .	1
The first five characters of each entry in Column Three of the LSR Clarification Issues Matrix titled <i>PON</i> .	1
Page 2 of 25, third row in the column titled <i>CLEC Remarks</i> , the BellSouth Order Number.	1
Page 4 of 25, second row in the column titled <i>CLEC Remarks</i> , the BellSouth Order Number.	1
Page 6 of 25, first row in the column titled <i>CLEC Remarks</i> , the BellSouth Order Numbers.	1
Page 8 of 25, first row in the column titled <i>CLEC Remarks</i> , the BellSouth Order Number.	1
Page 9 of 25, first row in the column titled <i>CLEC Remarks</i> , the first five characters of the <i>PON</i> .	1
Page 9 of 25, second row in the column titled <i>CLEC Remarks</i> , the BellSouth Order and the first five characters of the <i>PON</i> .	1
Page 10 of 25, first row in the column titled <i>CLEC Remarks</i> , the name of a <i>CLEC</i> .	1

ATTACHMENT A

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Page 10 of 25, third row in the column titled <i>CLEC Remarks</i> , the BellSouth Order.	1
Page 11 of 25, first row in the column titled <i>CLEC Remarks</i> , the name of a CLEC.	1
Page 12 of 25, first row in the column titled <i>CLEC Remarks</i> , the name of a CLEC.	1
Page 14 of 25, second row in the column titled <i>CLEC Remarks</i> , the ACNA of a CLEC.	1
Page 17 of 25, second row in the column titled <i>AT&T Comments</i> , the PONs.	1
Page 20 of 25, first row in the column titled <i>AT&T Comments</i> , the BANs.	1