

BEFORE THE FLORIDA 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-07-1011-CFO-TL
ISSUED: December 21, 2007

ORDER GRANTING AT&T FLORIDA'S REQUEST
FOR SPECIFIED CONFIDENTIAL CLASSIFICATION OF
DN 08481-07 (x-ref DN 09216-07)

Pursuant to Rule 25-22.006, Florida Administrative Code (F.A.C.), this order grants material in DN 08481-07 (x-ref DN 09216-07) "specified confidential classification," thereby designating the material as "proprietary confidential business information" within the meaning of Section 364.183(3), Florida Statutes (F.S.). This classification exempts the material from the disclosure requirements of Section 119.07(1), F.S.

On September 17, 2007, BellSouth Telecommunications, Inc. d/b/a AT&T Florida (AT&T Florida) filed a replacement copy of Hearing Exhibit No. 15 (DN 08481-07), which contained AT&T Florida's Confidential Responses to Staff's audit requests. Portions of these documents were already protected under two separate Requests for Specified Confidential Classification filed on November 13, 2006 and December 13, 2006. Thus, AT&T Florida filed contemporaneously with DN 08481-07 its Notice of Intent to Request Specified Confidential Classification for the remaining documents that were not protected previously. On October 8, 2007, AT&T Florida filed the required request for confidential classification of the information contained in DN 08481-07. This follow-up request was identified as DN 09216-07.

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 pursuant to the specific terms of a statutory provision. The specific statutory exemption applicable here is found in Sections 364.183(3) and (4), F.S., which we have implemented through Rule 25-22.006, F.A.C. Under these rules, it is the burden of the company to establish that the documents it seeks to protect are entitled to exemption from the disclosure requirements of the public records law.

AT&T Florida claimed that the replacement exhibit contained proprietary confidential business information. More specifically, AT&T Florida claimed that the documents included "(i) nformation relating to competitive interests, the disclosure of which would impair the competitive business of [AT&T Florida]."¹ For example, this information contains detailed budget, financial and strategic information about AT&T Florida, drawings of and information about its network, and prices it has negotiated with specific vendors.

¹ Section 364.183(3)(e), Florida Statutes.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Upon review of the document, the information contained in the document does appear to meet the requirements for confidential classification pursuant to Section 364.183, F.S., and Rule 25-22.006(5), F.A.C., and as such, the information should be treated as confidential.

Based on the foregoing, it is

ORDERED by Chairman Lisa Polak Edgar, as Presiding Officer, that AT&T Florida's Request for Confidential Classification is hereby granted for DN 08481-07 (x-ref DN 09216-07). It is further

ORDERED that the findings in the body of this Order are affirmed in every respect. It is further

ORDERED that pursuant to Section 364.183, F.S., and Rule 25-22.006, F.A.C., any confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 364.183, F.S. 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 Prehearing Officer, this 21st day of December, 2007.



LISA POLAK EDGAR
Chairman 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), F.S., to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, F.S., 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, F.A.C.; 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, F.A.C.. 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.