

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for relief from carrier-of-last-resort (COLR) obligations pursuant to Section 364.025(6)(d), F.S., for Villages of Avalon, Phase II, in Hernando County, by BellSouth Telecommunications, Inc. d/b/a AT&T Florida

DOCKET NO. 070126-TL  
ORDER NO. PSC-08-0155-CFO-TL  
ISSUED: March 14, 2008

ORDER GRANTING BELLSOUTH TELECOMMUNICATIONS, INC. d/b/a AT&T FLORIDA'S REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION OF DN 02585-07 (x-ref 03181-07); DN 03525-07 (x-ref DN 04016-07); DN 07158-07 (x-ref DN 08030-07); DNs 06937-07 and 07822-07 (x-ref DN 08515-07); AND DN 06791-07 (x-ref DN 09063-07)

Pursuant to Rule 25-22.006, Florida Administrative Code (F.A.C.), this Order grants material in certain documents "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.

During the course of this proceeding, BellSouth Telecommunications, Inc. d/b/a AT&T Florida (AT&T Florida) filed in this docket several documents that it claimed 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)."<sup>1</sup> These documents are identified in the table below and are further described in their respective attachments, which are incorporated into and made part of the body of this Order.

<b>Table Attachments to Order</b>		
<b>Document No.</b>	<b>X-Ref. Document No.</b>	<b>Attachment No.</b>
02585-07	03181-07	1
03525-07	04016-07	2
07158-07	08030-07	3
06937-07	08515-07	4
07822-07		
06791-07	09063-07	5

<sup>1</sup> Section 364.183(3) (e), F.S.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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 have been 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.

As reflected in Attachments 1 – 5, the filings of AT&T Florida have been reviewed to confirm that the information sought to be protected against disclosure qualifies for exemption. The information sought to be protected does appear to be proprietary confidential business information within the meaning of Section 364.183, F.S. and Rule 25-22.006, F.A.C. For this reason, each Request for Specified Confidential Classification for the documents identified above is hereby individually granted.

Based on the foregoing, it is

ORDERED by Commissioner Katrina J. McMurrian, as Prehearing Officer, that BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Request for Confidential Classification is hereby granted for the following documents: DN 02585-07 (x-ref 03181-07); DN 03525-07 (x-ref DN 04016-07); DN 07158-07 (x-ref DN 08030-07); DN 06937-07 and DN 07822-07 (x-ref DN 08515-07); and DN 06791-07 (x-ref DN 09063-07). 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

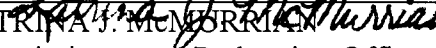
ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

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By ORDER of Commissioner Katrina J. McMurrian, as Prehearing Officer, this 14th  
day of March, 2008.

  
KATRINA J. MCMURRIAN  
Commissioner and Prehearing Officer

( S E A L )

HFM

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.

ATTACHMENT 1

<b>Review of Request for Specified Confidential Classification</b>			
Docket No.	070126-TL - In re: Petition for relief from carrier-of-last-resort (COLR) obligations pursuant to Section 364.025(6)(d), F.S., for Villages of Avalon, Phase II, in Hernando County, by BellSouth Telecommunications, Inc. d/b/a AT&T Florida		
Company	BellSouth Telecommunications, Inc. d/b/a AT&T Florida		
Document Nos.	<b>02585-07</b>	Doc. Cross Ref.	<b>03181-07</b>
Date Notice filed	March 23, 2007	Date Request Filed	April 13, 2007
Identification	AT&T Florida's response to Staff's Data Request ATT-1, Item No. 2.		
Justification	AT&T Florida claims the material in FPSC Document Nos. 02585-07 and 03181-07 contains confidential business information related to competitive interests of AT&T Florida that is proprietary to AT&T Florida. AT&T Florida claims that public disclosure of this information would cause competitive harm to AT&T Florida. The information subject to the request for confidential classification relates to telephone, video, and data services provided by AT&T Florida to residences in the Villages of Avalon, Phase I.		
Concur?	<b>Yes.</b> The identified information meets the requirements for confidential classification pursuant to Section 364.183, F.S., and Rule 25-22.006(5), F.A.C.		
Grant Specified Confidential Classification?	<b>Yes.</b>		

ATTACHMENT 2

<b>Review of Request for Specified Confidential Information</b>			
Docket No.	070126-TL - In re: Petition for relief from carrier-of-last-resort (COLR) obligations pursuant to Section 364.025(6)(d), F.S., for Villages of Avalon, Phase II, in Hernando County, by BellSouth Telecommunications, Inc. d/b/a AT&T Florida		
Company	BellSouth Telecommunications, Inc. d/b/a AT&T Florida		
Document Nos.	03525-07	Cross Ref:	04016-07
Date Notice of Intent filed	April 25, 2007	Date Request filed	May 15, 2007
Identification	AT&T Florida's response to Staff's Data Request ATT-2, Item No. 1		
Justification	AT&T Florida claims the information in FPSC Document Nos. 03525-07 and 04016-07 contains confidential business information related to competitive interests of AT&T Florida that is considered proprietary by AT&T Florida. AT&T Florida claims that public disclosure of this information would cause competitive harm to AT&T Florida. The information subject to the request for confidential classification relates to telephone, video, and data services provided by AT&T Florida to residences in the Villages of Avalon, Phase I.		
Concur?	<b>Yes.</b> The identified information meets the requirements for confidential classification pursuant to Section 364.183, F.S., and Rule 25-22.006(5), F.A.C.		
Grant Specified Confidential Classification?	<b>Yes.</b>		

## ATTACHMENT 3

<b>Review of Request for Specified Confidential Classification</b>			
Docket No.	070126-TL - In re: Petition for relief from carrier-of-last-resort (COLR) obligations pursuant to Section 364.025(6)(d), F.S., for Villages of Avalon, Phase II, in Hernando County, by BellSouth Telecommunications, Inc. d/b/a AT&T Florida		
Company	BellSouth Telecommunications, Inc. d/b/a AT&T Florida		
Document No.	07158-07	Doc. Cross Ref. No.	08030-07
Date Notice filed	August 14, 2007	Date Request Filed	September 4, 2007
Identification	AT&T Florida's Response to Florida Public Service Commission Staff's Second Set of Interrogatories, No. 33.		
Justification	AT&T Florida claims the information in Document Nos. 07158-07 and 08030-07 contains confidential business information related to competitive interests of AT&T Florida and that this information is considered proprietary by AT&T Florida. AT&T Florida claims that public disclosure of this information would cause competitive harm to AT&T Florida. The information pertains to AT&T Florida's number of customers broken down by the type of service that they order.		
Concur?	<b>Yes.</b> The identified information meets the requirements for confidential classification pursuant to Section 364.183, F.S., and Rule 25-22.006(5), F.A.C.		
Grant Specified Confidential Classification?	<b>Yes.</b>		



ATTACHMENT 4

<b>Review of Request for Specified Confidential Classification</b>			
Docket No.	070126-TL - In re: Petition for relief from carrier-of-last-resort (COLR) obligations pursuant to Section 364.025(6)(d), F.S., for Villages of Avalon, Phase II, in Hernando County, by BellSouth Telecommunications, Inc. d/b/a AT&T Florida		
Company	BellSouth Telecommunications, Inc. d/b/a AT&T Florida		
Document No.	06937-07 07822-07	Doc. Cross Ref. No.	08515-07
Date Notice filed	August 8, 2007 August 29, 2007	Date Request Filed	September 18, 2007
Identification	Document Nos. 06937-07 and 07822-07 were part of AT&T Florida's response to Staff's First Request for Production of Documents, item No. 5. AT&T Florida filed an amended Request for specified confidential classification for this material. This confidential material is contained in Document No. 08515-07. On October 11, 2007, AT&T Florida filed a letter indicating it had discovered a typographical error in its September 18, 2007, filing. AT&T requests that its September 18, 2007, "Attachment A" filing be replaced with its October 11, 2007, "Attachment A."		
Justification	AT&T Florida claims the information in Document Nos. 06937-07 and 07822-07 contains confidential business information related to competitive interests of AT&T Florida and that this information is proprietary to AT&T Florida. Specifically, this information relates to AT&T Florida's estimated costs for network deployment in Avalon Phase II that are not publicly available. AT&T Florida claims that public disclosure of this information would cause it competitive harm by providing competitors with an unfair advantage.		
Concur?	<b>Yes.</b> The identified information meets the requirements for confidential classification pursuant to Section 364.183, F.S., and Rule 25-22.006(5), F.A.C.		
Grant Specified Confidential Classification?	<b>Yes.</b>		

ATTACHMENT 5

<b>Review of Request for Specified Confidential Classification</b>			
Docket No.	070126-TL - In re: Petition for relief from carrier-of-last-resort (COLR) obligations pursuant to Section 364.025(6)(d), F.S., for Villages of Avalon, Phase II, in Hernando County, by BellSouth Telecommunications, Inc. d/b/a AT&T Florida		
Company	BellSouth Telecommunications, Inc. d/b/a AT&T Florida		
Document No.	06791-07	Doc. Cross Ref. No.	09063-07
Date Notice filed	August 6, 2007	Date Request Filed	October 2, 2007
Identification	Certain information contained in AT&T Florida's Amended Motion for Summary Final Order. The document containing this information has been identified as FPSC Document No. 09063-07.		
Justification	Contains confidential business information related to competitive interests of AT&T Florida, and that this information is proprietary to AT&T Florida. AT&T Florida claims that public disclosure of this information would cause it competitive harm by providing competitors with an unfair advantage. The information subject to the request for confidential classification includes (1) Exhibit Nos. LB-2, LB-3, LB-4 and LB-6, attached to the direct testimony of Larry Bishop, and (2) portions of the direct testimony of Elizabeth R.A. Shiroishi. Specifically, this information relates to AT&T Florida's Average Revenue per Unit ("ARPU"), AT&T Florida's estimated costs to serve Avalon Phase II, and AT&T Florida's five-times-annual-exchange-revenue calculations for Avalon Phase II.		
Concur?	Yes. The identified information meets the requirements for confidential classification pursuant to Section 364.183, F.S., and Rule 25-22.006(5), F.A.C.		
Grant Specified Confidential Classification?	Yes.		