

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by BellSouth
Telecommunications, Inc. against Thrifty Call,
Inc. regarding practices in the reporting of
percent interstate usage for compensation for
jurisdictional access services.

DOCKET NO. 000475-TP
ORDER NO. PSC-08-0320-CFO-TP
ISSUED: May 15, 2008

ORDER GRANTING AT&T FLORIDA'S REQUEST FOR SPECIFIED
CONFIDENTIAL CLASSIFICATION FOR A PORTION OF
DOCUMENT NO. 01464-08 AND DOCUMENT NO. 02065-08

Pursuant to Rule 25-22.006, Florida Administrative Code (F.A.C.), this order grants material in Document Nos. 01464-08 and 02065-08 "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 February 27, 2008, BellSouth Telecommunications, Inc. d/b/a AT&T Florida (AT&T) filed a Notice of Intent to Request Specified Confidential Classification of its response to Thrifty Call, Inc.'s (Thrifty Call) Second Set of Production of Documents (Production of Documents), Nos. 9, 11, 13 and 14.¹ On March 19, 2008, AT&T filed its Request for Specified Confidential Classification for two pages of its response to Production of Documents, No. 14 in Document No. 01464-08, with a second copy of the two pages provided in Document No. 02065-08. AT&T claims that its response contains information considered confidential business information related to the competitive interests of AT&T that is proprietary to AT&T. Attachment A, attached hereto and incorporated herein, contains an explanation of the proprietary information along with a list that identifies the location of the information designated by AT&T as confidential.

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), F.A.C., 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, F.S., 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), F.S., in pertinent part, provides:

¹ Thereafter and prior to its request, AT&T's responses to Production of Document Nos. 9, 11, and 13 were declassified.

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FPSC-COMMISSION CLERK

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), F.S., it appears that the material described herein is proprietary and should be granted confidential status. As such, AT&T's Request for Specified Confidential Classification for two pages of its response to Thrifty Call's Second Set of Production of Documents, No. 14 (Document Nos. 01464-08 and 02065-08), is hereby granted.

Accordingly, the remainder of AT&T's Response to Thrifty Call's Second Set of Production of Documents, No. 14 (Document No. 01464-08) shall be declassified.

Based on the foregoing, it is


ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that Bellsouth Telecommunications, Inc. d/b/a AT&T Florida's Request for Specified Confidential Classification for a portion of its response to Thrifty Call, Inc.'s Second Set of Production of Documents, No. 14 (Document Nos. 01464-08 and 02065-08), is hereby granted. It is further

ORDERED that the remainder of Bellsouth Telecommunications, Inc. d/b/a AT&T Florida's Response to Thrifty Call, Inc.'s Second Set of Production of Documents, No. 14 (Document No. 01464-08) shall be declassified. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, 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. 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 Commissioner Lisa Polak Edgar, as Prehearing Officer, this 15th day of May, 2008.


LISA POLAK EDGAR
Commissioner and Prehearing Officer

(S E A L)

CCP

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, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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

**AT&T FLORIDA
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REQUEST FOR CONFIDENTIAL CLASSIFICATION
PAGE 1 OF 1
3/19/08**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION FOR A PORTION OF
AT&T FLORIDA'S RESPONSE TO THRIFTY CALL'S SECOND REQUEST
FOR PRODUCTION, NO. 14 FILED FEBRUARY 27, 2008 IN
FLORIDA DOCKET NO. 000475-TP**

Explanation of Proprietary Information

1. This information contains confidential business information that is proprietary to AT&T Florida. Specifically, this information contains the summary results of test calls generated between various Florida exchanges. These test results identify the interexchange carriers. This information is not publicly available. Disclosure of this data would impair the competitive business and cause harm to AT&T Florida and certain IXCs. 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.

POD NO. 14

Location

Reason

Paragraph 1, lines 1-4

1

Carrier/Carrier ID Column

1

DOCUMENT NUMBER-DATE

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