

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Intrado Communications, Inc. for arbitration of certain rates, terms, and conditions for interconnection and related arrangements with BellSouth Telecommunications, Inc. d/b/a AT&T Florida, pursuant to Section 252(b) of the Communications Act of 1934, as amended, and Sections 120.80(13), 120.57(1), 364.15, 364.16, 364.161, and 364.162, F.S., and Rule 28-106.201, F.A.C.

DOCKET NO. 070736-TP
ORDER NO. PSC-08-0772-CFO-TP
ISSUED: November 21, 2008

ORDER GRANTING BELLSOUTH TELECOMMUNICATIONS, INC. D/B/A AT&T FLORIDA FOR SPECIFIED CONFIDENTIAL CLASSIFICATION OF DOCUMENT NOS. 05770-08 (X-REF. 04528-08) AND 05817-08 (X-REF. 05541-08) AND RETURNING DOCUMENT NO. 05180-08 TO SOURCE

On June 18, 2008 and July 7, 2008, BellSouth Telecommunications, Inc. d/b/a AT&T Florida (AT&T Florida) filed requests for specified confidential classification. In its requests, AT&T Florida seeks confidential classification of certain information contained in its Response to Staff's First Request for Production of Documents, Item No. 1, which consists of Document No. 05770-08 (x-ref. 04528-08). AT&T Florida also seeks confidential classification of information contained in its Response to Staff's Third Set of Interrogatories, Item No. 88, which consists of Document No. 05817-08 (x-ref. 05541-08). AT&T Florida asserts that Document Nos. 05770-08 (x-ref. 04528-08) and 05817-08 (x-ref. 05541-08) contain confidential information pursuant to Sections 364.183, Florida Statutes. Attachment A, attached hereto and incorporated herein, contains a detailed justification of the confidentiality of the information at issue. I understand that AT&T Florida treats this information as confidential and it has not otherwise been released.

On June 18, 2008, AT&T filed a Request for Confidential Classification for Document 05180-08. On July 3, 2008, AT&T filed Document No. 05770-08 as a replacement filing to Document No. 05180-08. Therefore, although AT&T Florida has met the requirements for confidential classification, Document No. 05180-08 should be returned to AT&T Florida.

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

DOCUMENT NUMBER-DATE

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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 364.24, Florida Statutes, it appears that the material described herein is proprietary and should be granted confidential status. As such, AT&T Florida's Requests for Specified Confidential Classification of certain information contained in its Response to Staff's First Request for Production of Documents, Item No. 1, Document No. 05770-08 (x-ref. 04528-08); and its Response Staff's Third Set of Interrogatories, Item No. 88, Document No. 05817-08 (x-ref. 05541-08), are hereby granted.

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 Requests for Specified Confidential Classification of Document Nos. 05770-08 (x-ref. 04528-08) and 05817-08 (x-ref. 05541-08), as set forth in Attachment A, which is attached and incorporated herein, is granted. It is further

ORDERED that Document No. 05180-08 should be returned to BellSouth Telecommunications, Inc. d/b/a AT&T Florida. 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 Commissioner Lisa Polak Edgar, as Prehearing Officer, this 21st day of November, 2008.


LISA POLAK EDGAR
Commissioner 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), 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.

Request for Confidential Classification of AT&T's Florida Response to Staff's Third Request for Interrogatories, Item No. 88, Filed June 26, 2008 and AT&T Florida's Response to Staff's First Request for Production of Documents, Item No.1, Filed May 28, 2008.

Explanation of Proprietary Information

1. The subject material includes confidential business information of AT&T Florida. In particular, this information consists of the location of various selective routers in Florida, which is treated by AT&T Florida as proprietary and is information not readily available to the general public. Moreover, the public disclosure of this information could threaten the public's safety and security in that it would reveal points of vulnerability on the Emergency 91 1 service network; and thus, AT&T Florida strives to keep it secret. Therefore, AT&T Florida deems this information proprietary and confidential pursuant to Section 364.1 83(3)(c), Florida Statutes and thus, exempt from the Open Records Act.

2. This information consists of the commercially valuable and confidential work product of Telcordia Technologies ("Telcordia") that is not made freely available to the public. Under Section 5 of the Amended and Restated Master Agreement for Software and Services with Telcordia, AT&T Florida is bound by Telcordia to maintain the confidentiality of this information, which AT&T Florida strives to maintain. The disclosure of this trade secret material could result in the impairment of AT&T Florida's ability to contract for such research information in the future and could impair the competitive business of both Telcordia and AT&T. Thus, this information is entitled to confidential classification pursuant to Section 361.183(3)(a), 3(d), and 3(e), Florida Statutes and is exempt from the Open Records Act.

Document	Location:	Reason:
Response to Staff's Third Request for Interrogatories	Response A, Item No. 88	1
COMMON LANGUAGE® Location Codes (CLLI™ Codes) Description for Location Identification	Entire Document, POD 1	2
COMMON LANGUAGE® Message Trunk Circuit Codes (CLCI™ MSG Codes)	Entire Document, POD 1	2
Trunk Group Service Request – Industry Support Interface	Entire Document, POD 1	2
Telcordia Notes on the Networks	Entire Document, POD 1	2