

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast for waiver of Rule 25- 4.040(2), Florida Administrative Code.	DOCKET NO. 090082-TL ORDER NO. PSC-10-0040-CFO-TL ISSUED: January 15, 2010
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ORDER GRANTING AT&T FLORIDA'S REQUEST FOR
SPECIFIED CONFIDENTIAL CLASSIFICATION
OF DOCUMENT NO. 03443-09

On March 25, 2009, BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast ("AT&T Florida"), pursuant to Rule 25-22.006(3)(a), filed a Notice of Intent to Request Specified Confidential Classification of certain information provided in its Notice of Filing Responses to Questions Raised at Meeting with Staff and OPC regarding AT&T Florida's Petition, Document No. 02617-09. On April 15, 2009, AT&T Florida filed its Request for Specified Confidential Classification and another copy of the information, Document No. 03443-09 ("Document"). Specifically, AT&T Florida seeks to protect from public disclosure its response to question number four (4) of the Document. AT&T Florida's response to question number four (4), on page two (2) of the Document, provides the actual cost of publishing the residential white pages and the cost savings to the company if it furnishes the residential directory information on a CD-ROM as opposed to print format in four (4) test areas in Florida. This is information related to the competitive interests of AT&T Florida. Furthermore, AT&T Florida states that it treats this information as confidential in all requests and that the information has not been generally disclosed.

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 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

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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, it appears that the material described herein is proprietary business information in accordance with Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. Disclosure of this information could harm AT&T Florida because this data is valuable to competitors and potential competitors in formulating strategic plans and overall business strategies. Additionally, this same information on competitors is not available to AT&T Florida. As such, AT&T Florida's Request for Specified Confidential Classification of the information contained in Document No. 03443-09 (x-ref Document No. 02617-09) is hereby granted.

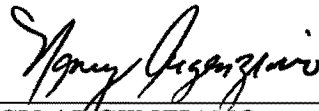
Based on the foregoing, it is

ORDERED by Commission Chairman Nancy Argenziano, that AT&T Florida's Request for Specified Confidential Classification of the information contained in Document No. 03443-09 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 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 Chairman Nancy Argenziano, as Presiding Officer, this 15th day of January, 2010.



NANCY ARGENZIANO
Chairman and Presiding 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 25-22.0376, 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.