

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Request for confidential classification by BellSouth Telecommunications, Inc. d/b/a AT&T Florida regarding AT&T Florida's pole inspection report for 2010.	DOCKET NO. 110129-TP ORDER NO. PSC-11-0214-CFO-TP ISSUED: May 5, 2011
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ORDER GRANTING BELLSOUTH TELECOMMUNICATIONS D/B/A AT&T FLORIDA
REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 01401-11)

On March 1, 2011, pursuant to Rule 25-22.006, Florida Administrative Code (F.A.C.), BellSouth Communications d/b/a AT&T Florida (AT&T Florida) requested confidential classification of information contained in AT&T Florida's Annual Pole Inspection Report for the period of January, 2010 through December, 2010 (Document No. 01401-11).

Analysis

Section 364.183(3), Florida Statutes (F.S.), defines "proprietary confidential business information" as information treated by a company as confidential, inclusive of competitive interest, the disclosure of which would impair competitive business or cause harm to ratepayers or the company.¹ Rule 25-22.006(4)(c), F.A.C., requires that AT&T Florida show that the information is proprietary confidential information, the disclosure of which will cause the Company or its ratepayers harm.

AT&T Florida asserts that Document No. 01401-11 contains confidential information pursuant to Rule 25-22.006, F.A.C., the disclosure of which will cause competitive harm to AT&T Florida and provide an unfair advantage to its competitors. Attachment A, attached hereto and incorporated herein, contains a detailed justification of the confidentiality of the information at issue. It is my understanding that AT&T Florida treats this information as confidential and it has not been otherwise disclosed.

¹ Section 364.183(3), F.S., states that [t]he 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. The term includes, but is not limited to:

- (a) Trade secrets.
- (b) Internal auditing controls and reports of internal auditors.
- (c) Security measures, systems, or procedures.
- (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company or its affiliates to contract for goods or services on favorable terms.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Ruling

Pursuant to Section 364.183, F.S., and Rule 25-22.006, F.A.C., it appears that the material described herein is proprietary and should be granted confidential status. As such, AT&T Florida's Request for Confidential Classification of certain information contained in its 2010 Pole Inspection Report (Document No. 01401-11), is hereby granted. The information shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order, unless AT&T Florida or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

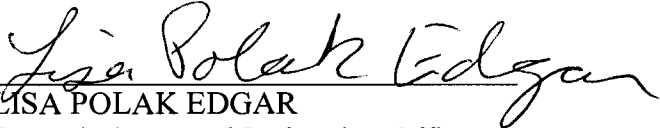
Based on the foregoing, it is

ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that BellSouth Telecommunications d/b/a AT&T Florida's Request for Confidential Classification of Document No. 01401-11, as set forth in Attachment A, which is attached and incorporated herein, 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 shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 5th day of May, 2011.


LISA POLAK EDGAR
Commissioner and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

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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.

**REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION OF
AT&T FLORIDA'S POLE INSPECTION REPORT
JANUARY 2010 THROUGH DECEMBER 2010**

Explanation of Proprietary Information

1. This information is considered by BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida") to be proprietary confidential business information within the scope of Section 364.183(3) of the Florida Statutes. The information is intended to be and is treated by AT&T Florida as private, and has not otherwise been disclosed to the public. Further, the disclosure of this information would cause harm to the Company's business operations as third parties may attempt to take the information out of context and use it to form a predicate for claims or lawsuits against the Company. To the extent a third party had a valid claim or lawsuit against the Company, that party would have the opportunity to seek this information through the discovery process in a legal action. AT&T Florida does not concede that such claims or lawsuits would have merit and, to the contrary, believes that its infrastructure has performed well in past storms.
2. This information is the product of an internal audit of AT&T Florida's Pole inventory and, thus, is considered proprietary confidential business information by the Company within the scope of Section 364.183(3) of the Florida Statutes.

<u>Location</u>	<u>Reason</u>
Page 4; Line 2, Columns d thru i	1, 2
Page 6; Lines 13, 15, 20, 22, 24, 26, 30 and 31	1, 2
Page 7; Lines 3, 4, 8, 14, 16, 19, 22, 26, and 28	1, 2
Page 8; Lines 19 thru 21 and 24 thru 26	1, 2
Page 9; Columns A thru J and Lines 8 thru 31	1, 2
Page 10; Columns A thru J and Lines 1 thru 43	1, 2
Page 11; Columns A thru J and Lines 1 thru 34	1, 2
Page 12; Columns A thru J and Lines 8 thru 30	1, 2
Page 13; Columns A thru J and Lines 1 thru 43	1, 2
Page 14; Columns A thru J and Lines 1 thru 35	1, 2