

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for emergency relief and complaint of FLATEL, Inc. against BellSouth Telecommunications, Inc. d/b/a AT&T Florida to resolve interconnection agreement dispute.

DOCKET NO. 110306-TP  
ORDER NO. PSC-12-0019-CFO-TP  
ISSUED: January 6, 2012

ORDER GRANTING BELLSOUTH TELECOMMUNICATIONS, INC., D/B/A AT&T FLORIDA'S REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO. 08640-11 (CROSS REFERENCE DOCUMENT NO. 08903-11)

BY THE COMMISSION:

On November 28, 2011, BellSouth Telecommunications, Inc., d/b/a AT&T Florida (AT&T Florida) filed a Notice of Intent to Request Specified Confidential Classification for Exhibit C attached to its Motion to Dismiss (Document No. 08640-11). On December 12, 2011, AT&T Florida filed its Request for Specified Confidential Classification for Exhibit C and attached an un-redacted copy of Exhibit C. (Cross Reference Document No. 08903-11).

In its Motion, AT&T Florida stated that in accordance with Section 364.183, F.S., the information contained in Exhibit C: (1) is not publicly available; (2) is confidential business information relating to its competitive interests; and (3) is capable of causing competitive harm if disclosed. AT&T Florida requested that the information be classified as proprietary confidential business information pursuant to Section 364.183(3)(e), F.S., and be exempt from the Open Records Act. Justification for the confidential classification, as provided by AT&T Florida, is attached hereto and incorporated herein as Attachment A.

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 the government should operate in the "sunshine."

Pursuant to Section 364.183, F.S., and Rule 25-22.006(4)(c), F.A.C., to be classified as confidential, the Company must demonstrate that the information is proprietary confidential business information in that: (1) the company owns and controls the information; (2) the company treats the information as confidential and it has not been publicly disclosed; (3) the information relates to competitive interests; and (4) if disclosed, the information can cause the Company or its ratepayers harm.

I find that AT&T Florida has met its burden of demonstrating that the information is proprietary confidential business information, as the information relates to competitive interest, and if disclosed, could cause harm to AT&T Florida and its ratepayers. Therefore, I find it

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appropriate to approve AT&T Florida's Request for Specified Confidential Classification regarding the information contained in Exhibit C.

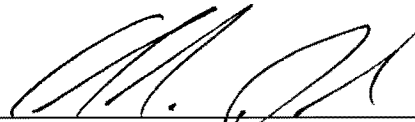
Based on the foregoing, it is

ORDERED by Commissioner Eduardo E. Balbis, as Prehearing Officer, that BellSouth Telecommunications, Inc., d/b/a AT&T Florida's Request for Specified Confidential Classification for the information contained in its Exhibit C and identified as Document No. 08640-11 (Cross Reference Document No. 08903-11) is hereby 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. 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 Eduardo E. Balbis, as Prehearing Officer, this 6th day of January, 2012.



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EDUARDO E. BALBIS  
Commissioner and Prehearing Officer  
Florida Public Service Commission  
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Tallahassee, Florida 32399  
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

PER

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.

ATTACHMENT A

AT&T FLORIDA  
FPSC DOCKET NO: 110306-TP  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
12/12/2011

REQUEST FOR CONFIDENTIAL CLASSIFICATION FOR  
EXHIBIT C TO THE MOTION TO DISMISS AND RESPONSE TO  
FLATEL'S COMPLAINT FILED ON NOVEMBER 28, 2011  
IN DOCKET NO. 110306-TP

**Explanation of Proprietary Information**

1. This information contains, upon information and belief, confidential business information related to the competitive interests of FLATEL that is proprietary to FLATEL. Specifically, this information relates to past due balances owed by FLATEL to AT&T Florida and number of resale lines that FLATEL has with AT&T Florida. This information is not publicly available. Consequently, this information, upon information and belief, 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.
2. This information contains, upon information and belief, confidential business information related to the competitive interests of FLATEL that is proprietary to FLATEL. This information is not publicly available. Consequently, this information, upon information and belief, 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

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