

0BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Notice of adoption of existing interconnection, unbundling, resale, and collocation agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast and Image Access, Inc. d/b/a NewPhone, Inc. by Express Phone Service, Inc.

DOCKET NO. 110087-TP  
ORDER NO. PSC-12-0213-CFO-TP  
ISSUED: April 23, 2012

ORDER GRANTING AT&T FLORIDA'S REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO. 01297-12 [X-REF DOCUMENT NO. 00842-12]

On February 13, 2012, pursuant to Rule 25-22.006, Florida Administrative Code (F.A.C.), BellSouth Telecommunications, Inc. d/b/a AT&T Florida (AT&T Florida) filed its Responses to Express Phone Service, Inc.'s (Express Phone) First Set of Interrogatories (No. 1-11) and First Request for Production of Documents No. 1-11). Concurrently, pursuant to Section 364.183, Florida Statutes (F.S.) and Rule 25-006, F.A.C., AT&T Florida filed a Notice of Intent to Request Confidential Classification for Responses to Express Phone's First Request for Production of Documents, Nos. 1 and 6. On March 5, 2012, AT&T Florida filed a Request for Specified Confidential Classification (Request) for information in its Responses to Express Phone's First Request for Production of Documents, Nos. 1 and 6. AT&T Florida asserts that Document No. 01297-12 (x-ref Document No. 00842-12) is intended to be proprietary, is treated as proprietary, and has not been publicly disclosed. Attachment A, attached hereto and incorporated herein, contains a detailed justification of the confidentiality of the information at issue. AT&T Florida requests that the Commission grant confidential classification for the document for a period of 18 months from the date of the issuance of this Order, pursuant to Section 364.183, F.S.

In its Request for Confidential Classification, AT&T Florida states that Response No. 1 consists of personal employee information, unrelated to compensation, duties, qualifications, or responsibilities. AT&T Florida further states that Response No. 6 consists of confidential business information relating to carrier information that is proprietary to Express Phone. AT&T Florida also states that Sections 364.183(3)(e) and (f), F.S. provides that "proprietary confidential business information" includes "employee personnel information which is unrelated to compensation, duties, qualifications, or responsibility" and "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information." AT&T Florida therefore concludes that this information should be classified as proprietary, confidential business information and pursuant to Section 364.183(3)(e) and (f), F.S.; is exempt from the Open Records Act; and should be granted confidential classification.

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

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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 administrative body, or private agreement that provides that the information will not be released to the public.

Pursuant to Section 364.183 (3)(e) and (f), F.S. it appears that the material described herein is proprietary confidential business information and should be granted confidential status. As such, AT&T Florida's Request for Specified Confidential Classification of certain information contained in its Responses to Express Phone's First Request for Production of Documents, Nos. 1 and 6, is hereby granted.


Based on the foregoing, it is

ORDERED by Commissioner Eduardo E. Balbis, as Prehearing Officer, that AT&T Florida's Request for Specified Confidential Classification for the entirety of the information contained Response Nos. 1 and 6, Document No. 01297-12 (x-ref 00842-12), is hereby granted. It is further

ORDERED that the information in Document No. 01297-12 (x-ref 00842-12) for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless AT&T Florida or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information. 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 23rd day of April, 2012.



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

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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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 Confidential Classification of AT&T Florida's Responses to Express Phone's  
First Request for Production of Documents, Nos. 1 and 6.**

**Filed March 5, 2012**

**Explanation of Proprietary Information**

1. This information contains AT&T Florida's personal employee information which is unrelated to compensation, duties, qualifications, or responsibilities. AT&T Florida treats this information as confidential information and protects it from disclosure. Therefore, this information constitutes proprietary confidential business information pursuant to Section 364.183(3)(f), F.S.
2. This information contains confidential business information related to the competitive interests of Express Phone that is proprietary to Express Phone. Specifically, this information relates to past due balances owed by Express Phone to AT&T Florida and the number of resale lines that Express Phone has with AT&T Florida. This information is not publically available. Therefore, this information constitutes proprietary confidential business information pursuant to Section 364.183(3)(e), F.S.

<b>Document</b>	<b>Location:</b>	<b>Reason:</b>
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