

THOMAS B. ALEXANDER
General Attorney

BellSouth Telecommunications, Inc.
Suite 4300
675 West Peachtree Street, N.E.
Atlanta, Georgia 30375-0001
(404) 614-4901



October 16, 1995

Mrs. Blanca S. Bayo
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

RE: Docket No. 920260-TL

Dear Mrs. Bayo:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Amended Notice of Intent to Request Confidential Classification, which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

- ACK 3
- AFA 1
- APP 1
- CAF
- CMU Morton
- CTR
- EAG
- LEG 1 Enclosures
- LIN 3 cc: All Parties of Record
- OPC R. G. Beatty
- RCM A. M. Lombardo
- SEC 4 R. Douglas Lackey
- WAS
- OTH

Sincerely,
BELLSOUTH TELECOMMUNICATIONS, INC.

Thomas B. Alexander
Thomas B. Alexander (g)

J-D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Comprehensive Review of) Docket No. 920260-TL
Revenue Requirements and Rate)
Stabilization Plan of Southern) Filed: October 16, 1995
Bell Telephone and Telegraph)
Company)
_____)

BELLSOUTH TELECOMMUNICATIONS, INC.'S
AMENDED NOTICE OF INTENT TO REQUEST CONFIDENTIAL CLASSIFICATION

BellSouth Telecommunications, Inc., ("BellSouth," "Southern Bell," or "Company"), hereby files, pursuant to Rule 25-22.006, Florida Administrative Code, its Amended Notice of Intent to Request Confidential Classification.

1. BellSouth, on September 25, 1995, filed its original Notice of Intent to Request Confidential Classification for certain documents still held by the Commission in connection with the above-referenced consolidated docket. The Company is amending its Notice to more accurately (*i.e.*, more narrowly) describe the type of documents for which confidential classification is being requested. The Company will file its Request for Confidential Classification within the time allowed from the filing of its original Notice of Intent.

2. During the course of the above-styled docket, certain documents for which Southern Bell claimed privilege were provided to the Commission for in camera inspection. The particular documents for which Confidential Classification is being sought at this time include certain work notes made by two BellSouth Human Resources employees and two re-audits by the Company.

3. The Commission rejected a number of Southern Bell's privilege and work product claims, and Southern Bell filed

DOCUMENT NUMBER-DATE

10212 OCT 16 95

FPSC-RECORDS/REPORTING

several appeals to the Florida Supreme Court. The Court issued a consolidated opinion on all appeals on March 10, 1994. See, Southern Bell Telephone & Telegraph Co. v. Deason, 632 So.2d 1377 (Fla. 1994). On April 8, 1994, Southern Bell filed a motion for the return of the documents at issue in Deason, which was denied in part by the full Commission on October 17, 1994 (Order No. PSC-94-1291-FOF-TL). Southern Bell thereafter filed another appeal with the Florida Supreme Court seeking to overturn the Commission's denial of its motion for the return of the documents at issue in Deason. That appeal was designated as case number 84,721 before the Florida Supreme Court.

4. On October 17, 1994, the same day as it denied Southern Bell's motion for the return of the documents at issue in Deason, the full Commission also issued its Order No. PSC-94-1290-FOF-TL, which affirmed a prehearing order (Order No. PSC-93-0977-PCO-TL) which had been pending since June 30, 1993. This order overruled Southern Bell's privilege and work product claims with respect to documents purportedly similar to those at issue in Deason, but which were not at issue in the Deason appeal nor in Southern Bell's subsequent motion for the return of its documents post-Deason. Southern Bell filed a separate appeal to the Florida Supreme Court from the Commission's Order No. PSC-94-1290-FOF-TL, and that appeal has been designated as case number 84,722.

5. Case number 84,721, the case involving the documents previously at issue in Deason, remains pending before the Florida Supreme Court. On September 22, 1995, however, the Florida

Supreme Court denied Southern Bell's Motion for Rehearing in case number 84,722, and that case is now over. Southern Bell's Notice of Intent to Request Confidential Classification pertains to the documents at issue in the latter appeal only, as the former appeal remains pending. The documents are specifically described in Commission Order No. PSC-94-1290 as follows:

- A. Notes made during preparation for administering discipline by Dave Mower.
- B. Network Operational Review re-audit - January 1993.
- C. Customer Adjustment to MOOSA re-audit - January 1993.
- D. Notes made concerning discipline appeals of employees by Charles Cuthbertson.

Southern Bell intends to file a similar notice of intent with respect to the documents at issue in case number 84,721 in the event that appeal is denied.

6. Since these documents continue to be held by the Commission, some or all of them may be deemed to be subject to the public records disclosure requirements of Chapter 119, Florida Statutes. The information contained in these documents, however, is proprietary confidential business information that is entitled to confidential classification pursuant to the provisions of Section 364.183, Florida Statutes.

7. Accordingly, BellSouth hereby gives its notice of intent to file a request for confidential classification of these

documents. The original of this notice has been filed with the Division of Records and Reporting, and a copy has been served on the Division requesting the information.

Respectfully submitted,
BellSouth Telecommunications, Inc.

Robert G. Beatty (02)
ROBERT G. BEATTY
J. PHILLIP CARVER
c/o Nancy H. Sims
150 So. Monroe St., Suite 400
Tallahassee, FL 32301
(305) 347-5555

R. Douglas Lackey (02)
R. DOUGLAS LACKEY
NANCY B. WHITE
THOMAS B. ALEXANDER
4300 Southern Bell Center
675 W. Peachtree St., NE
Atlanta, GA 30375
(404) 614-4901

CERTIFICATE OF SERVICE
Docket No. 920260-TL

I HEREBY CERTIFY that a copy of the foregoing has been furnished by United States Mail this 16th day of October, 1995 to:

Robin Norton
Division of Communications
Florida Public Service
Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Tracy Hatch
Division of Legal Services
Florida Public Svc. Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Joseph A. McGlothlin
Vicki Gordon Kaufman
McWhirter, Grandoff & Reeves
117 South Gadsden Street
Tallahassee, FL 32301
atty for FIXCA

Kenneth A. Hoffman
Messer, Vickers, Caparello,
Madsen, Lewis & Metz, PA
Post Office Box 1876
Tallahassee, FL 32302
atty for FPTA

Michael W. Tye
AT&T Communications of the
Southern States, Inc.
106 East College Avenue
Suite 1410
Tallahassee, Florida 32301

Dan B. Hendrickson
Post Office Box 1201
Tallahassee, FL 32302
atty for FCAN

Charles J. Beck
Deputy Public Counsel
Office of the Public Counsel
111 W. Madison Street
Room 812
Tallahassee, FL 32399-1400

Michael J. Henry
MCI Telecommunications Corp.
780 Johnson Ferry Road
Suite 700
Atlanta, Georgia 30342

Richard D. Melson
Hopping Boyd Green & Sams
Post Office Box 6526
Tallahassee, Florida 32314
atty for MCI

Rick Wright
Regulatory Analyst
Division of Audit and Finance
Florida Public Svc. Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Laura L. Wilson, Esq.
Florida Cable
Telecommunications Assn., Inc.
310 North Monroe Street
Tallahassee, FL 32301
atty for FCTA

Chanthina R. Bryant
Sprint Communications Co.
Limited Partnership
3100 Cumberland Circle
Atlanta, GA 30339

Benjamin H. Dickens, Jr.
Blooston, Mordkofsky,
Jackson & Dickens
2120 L Street, N.W.
Washington, DC 20037
Atty for Fla Ad Hoc

C. Everett Boyd, Jr.
Ervin, Varn, Jacobs, Odom
& Ervin
305 South Gadsen Street
Post Office Drawer 1170
Tallahassee, Florida 32302
atty for Sprint

Angela Green
Florida Public
Telecommunications Assn., Inc.
125 South Gadsden Street
Suite 200
Tallahassee, FL 32301

Monte Belote
Florida Consumer Action
Network
4100 W. Kennedy Blvd., #128
Tampa, FL 33609

Joseph Gillan
J.P. Gillan & Associates
P.O. Box 541038
Orlando, FL 32854-1038

Mark Richard
Attorney for CWA
Locals 3121, 3122, and 3107
304 Palermo Avenue
Coral Gables, FL 33134

Gerald B. Curington
Department of Legal Affairs
2020 Capital Circle, SE
Alexander Building, 2nd Floor
Tallahassee, FL 32301

Mr. Douglas S. Metcalf
Communications Consultants,
Inc.
631 S. Orlando Ave., Suite 450
P. O. Box 1148
Winter Park, FL 32790-1148

Mr. Cecil O. Simpson, Jr.
General Attorney
Mr. Peter Q. Nyce, Jr.
General Attorney
Regulatory Law Office
Office of the Judge
Advocate General
Department of the Army
901 North Stuart Street
Arlington, VA 22203-1837

Mr. Michael Fannon
Cellular One
2735 Capital Circle, NE
Tallahassee, FL 32308

Floyd R. Self, Esq.
Messer, Vickers, Caparello,
Madsen, Lewis, Goldman & Metz
Post Office Box 1876
Tallahassee, FL 32302-1876
Attys for McCaw Cellular

Stan Greer
Division of Communications
Florida Public Svc. Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Thomas B. Alexander
Thomas B. Alexander (25)