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June 17, 1996

ORIGINAL
FILE COPY

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

RE: Docket No. 950984-TP

Dear Mrs. Bayo:

Enclosed are an original and fifteen copies of BellSouth Telecommunications, Inc.'s Request for Confidential Classification and Motion for Permanent Protective Order. Please file these documents in the above-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.

Sincerely,

Nancy B. White (02)

Nancy B. White

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- OTH all to Motiludo

Enclosures

cc: All Parties of Record
R. G. Beatty
A. M. Lombardo
R. D. Lackey

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE DOCUMENT NUMBER-DATE

06523 JUN 17 96

Redacted
06524 JUN 17 96

Confidential
DOCUMENT NUMBER-DATE

06525 JUN 17 96

FPSC-RECORDS/REPORTING FPSC-RECORDS/REPORTING

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Resolution of petition(s))
to establish nondiscriminatory)
rates, terms, and conditions for)
resale involving local exchange)
companies and alternative local)
exchange companies pursuant to)
Section 364.162, Florida Statutes)

Docket No. 950984-TP

Filed: June 17, 1996

ORIGINAL
FILE COPY

BELLSOUTH TELECOMMUNICATIONS, INC.'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
AND MOTION FOR PERMANENT PROTECTIVE ORDER

COMES NOW BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to Rule 25-22.006, Florida Administrative Division Code, and files its Request for Confidential Classification and Motion for Permanent Protective Order for the Company's Response to the requirements set forth in Order No. PSC-96-0444-FOF-TP ("Order") issued on March 29, 1996 in the above captioned matter.

1. BellSouth is filing its Request for Confidential Classification for its Response to the Order because it deems the information requested to be confidential and proprietary business information in that it reflects cost studies of various unbundled elements, such as loops and ports. Since competitors who will offer local services can use this information as a resource, disclosure of this information would impair BellSouth's ability to compete.

2. BellSouth has appended to this Request for Confidential Classification as Attachment A a listing showing the location in the response of the information designated by BellSouth as confidential.

3. Appended hereto in an envelope designated as Attachment B is one copy of the response with the confidential information

DOCUMENT NUMBER-DATE

06523 JUN 17 1996

FPSC-RECORDS/REPORTING

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deleted.

4. Attached as Attachment C is a sealed envelope containing one copy of the response with the material which is confidential and proprietary. Copies of Attachment C are not being served on the other parties in this proceeding.

5. Regarding BellSouth's Response to the Order, this response is entitled to proprietary confidential classification for two reasons. First, the documents contain actual unit cost information for discrete cost elements. Public disclosure of this information would provide BellSouth's competitors with an advantage in that they would know the price or rate below which BellSouth could not provide the service. The data is valuable to competitors and potential competitors in formulating strategic plans for entry, pricing, marketing, and overall business strategies concerning access services. This same information on competitors is not available to BellSouth. This information is valuable and is used by BellSouth in conducting its business. Section 364.183(e), Florida Statutes, expressly considers as proprietary confidential business information any information relating to competitive business of the provider. The information contained in BellSouth's Response to the Order, as more specifically described above, meets the statutory criteria, and should therefore be afforded confidential classification.

6. Second, the documents contain vendor-specific contractual and other information. This information is entitled to confidential classification pursuant to Section 364.183(3) and

(3) (d), Florida Statutes. The workpapers contain references to vendor-specific pricing negotiated by BellSouth. Public disclosure of this information would impair the Company's ability to contract for similar goods and services in the future on favorable terms. BellSouth often has opportunities to negotiate bulk discounts or other favorable pricing with its vendors. These vendors require that the terms of these contractual arrangements be kept confidential in order to avoid undue pressure from other customers to reduce prices or to give them similar terms and conditions in their contacts. Through public disclosure of such contractual information, these vendors providing crucial products and services to BellSouth could likely react by increasing BellSouth's prices or adversely changing favorable terms and conditions rather than lowering all other potential customers' prices for similar services or products or providing similar contractual arrangements enjoyed by BellSouth. Also, if vendor-specific information were subject to public disclosure, these vendors may withhold valuable information regarding proprietary product or service capabilities which must be available for proper evaluation by BellSouth to fully analyze proposals from vendors in future negotiations. Moreover, if other vendors had access to the prices BellSouth is currently paying for its services, such vendors would be in an unfair bargaining position relative to BellSouth in future contract negotiations. Any of these results would cause harm to BellSouth in its operations and could tend to increase the Company's cost

of doing business which, in turn, would be harmful to BellSouth's ratepayers. Thus, Section 364.183(3)(d), Florida Statutes provides that this information is proprietary confidential business information exempt from the public inspection and examination provisions of Section 119.07(1), Florida Statutes. Finally, pursuant to private agreements entered into with its vendors, BellSouth is under an obligation not to release this information to the public. Section 364.183(3), Florida Statutes, specifically provides that proprietary confidential business information includes information possessed by the Company which is subject to existing non-disclosure agreements with third parties, which if released, could be harmful to the Company.

7. BellSouth has treated and intends to continue to treat the material for which confidential classification is sought as private, and this information has not been generally disclosed.

WHEREFORE, based on the foregoing, BellSouth moves the Commission to enter an order declaring the information described above and contained in the indicated portions of the attachments to be confidential proprietary business information, and thus not subject to public disclosure.

Respectfully submitted this 17th day of June, 1996.

BELLSOUTH TELECOMMUNICATIONS, INC.

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CERTIFICATE OF SERVICE
Docket No. 950984-TP

I HEREBY CERTIFY that a copy of the foregoing has been furnished by Federal Express this 17th day of June, 1996 to:

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Nancy S. White (PL)

Attachment A

FPSC DOCKET 950984-TP RESPONSE TO ORDER No. PSC-96-0444-FOF-TP COST STUDIES

Explanation for Proprietary Information

A. The Florida Cost Studies attached contain actual unit cost information for discrete cost elements for the item under study. These cost reflect BellSouth's long run incremental cost of providing these elements on a going forward basis. Public Disclosure of this information would provide BellSouth's competitors with an advantage in that they would know the price or rate below which BellSouth could not provide the service. The data is valuable to competitors and potential competitors in formulating strategic plans for entry, pricing, marketing, and overall business strategies concerning access services. This same information on competitors is not available to BellSouth. This information is valuable, it is used by BellSouth in conducting its business and BellSouth strives to keep it secret. Therefore, such information is a trade secret which should be classified as proprietary, confidential business information pursuant to Section 364.183, Florida Statutes and is exempt from the Open Records Act.

B. Additionally, these studies contain information which reflects vendor specific prices negotiated by BellSouth. Public disclosure of this information would impair BellSouth's ability to contract for goods and services on favorable terms. This information is valuable, it is used by BellSouth in conducting its business and BellSouth strives to keep it secret. Therefore, such information is a trade secret which should be classified as proprietary, confidential business information pursuant to Section 364.183, Florida Statutes and is exempt from the Open Records Act.

Attachment A

FPSC DOCKET 950984-TP RESPONSE TO ORDER No. PSC-96-0444-FOF-TP COST STUDIES

LOCATION OF THE PROPRIETARY INFORMATION

<u>PAGE NO.</u>	<u>LINE/COLUMN NUMBER</u>	<u>REASON</u>
F18G01Q		
00012	LN 10-14,25-27/COL A,B LN 18-22/COL A LN 31, 32	A
00018	COL A,B,C	A
00019	COL "AMOUNT"/LN 3-6,12-19, 25,32	A/B
00020	COL "AMOUNT"	A/B
00021-00022	COL A&F	A
00023	COL "AMOUNT"/LN 1-3,10,14 COL "SOURCE"/LN 3	A/B
00025	COL A,B,C	A
00026	COL "AMOUNT"	A
00027	COL "AMOUNT"/LN 3-5,8,14, 18-20,23,29,36	A/B
00028-00030	COL "AMOUNT"	A/B
00031-00032	COL A&F	A/B
00033	COL "AMOUNT"/LN 2,3,10,11,17, 20,21,24,25,27,35-45 COL "SOURCE"/LN 20	A/B A/B
00034-00035	COL "AMOUNT"	A/B
00037	COL A,B,C	A
00038,41,42,43	COL "AMOUNT"	A/B
00039	COL "AMOUNT"/LN 2,3,5,15	A/B
00040	COL "AMOUNT"/LN 3,4,6,12-17, 23,25	A/B
00044-00045	COL A&F	A

Attachment A

FPSC DOCKET 950984-TP RESPONSE TO ORDER No. PSC-96-0444-FOF-TP COST STUDIES

LOCATION OF THE PROPRIETARY INFORMATION

<u>PAGE NO.</u>	<u>LINE/COLUMN NUMBER</u>	<u>REASON</u>
F18G01Q		
00046	COL "SOURCE"/LN 9	A/B
	COL "AMOUNT"/LN 3,5,9,15,19	
00048	COL A,B,C	A
00049,52-54	COL "AMOUNT"	A/B
00050	COL "AMOUNT"/LN 2,3,5,15	A/B
00051	COL "AMOUNT"/LN 1,7	A/B
00055-00056	COL A&F	A
00057	COL "AMOUNT"/LN 3,5,7,9, 15,19	A/B
	COL "SOURCE"/LN 9	A/B
00059	COL A,B,C	A
00060, 63	COL "AMOUNT"	A/B
00061	COL "AMOUNT"/LN 3,5,8,14, 18,20,23,29,36	A/B
00062	COL "AMOUNT"/LN 1,7	A/B
00064-00065	COL A&F	A/B
00066	COL "AMOUNT"/LN 3-21,28,32	A/B
00067	COL "AMOUNT"/LN 2,3,10,11, 17-27, 35-45	A/B
00068-00069	COL "AMOUNT"	A/B
00071-00072	LN 16-18, 20-22, 24-26	A
00073	LN 15-17, 19-21, 23-25	A
00112	LN 1	A/B
00116	COL A-L	A/B
00117	COL A-L/LN 2-31 LN 38 COL A-L/LN 40-50	A/B

Attachment A

FPSC DOCKET 950984-TP RESPONSE TO ORDER No. PSC-96-0444-FOF-TP COST STUDIES

LOCATION OF THE PROPRIETARY INFORMATION

<u>PAGE NO.</u>	<u>LINE/COLUMN NUMBER</u>	<u>REASON</u>
F18G01Q		
00119, 00121	COL A-L, LN 33	A/B
00123 & 00126	COL AA, A-L	A/B
00124	COL A-L, LN 70	A/B
00127	COL A-L, LN 64	A/B
00129-00131	COL "INVESTMENT", LN 30,34,49, 53,57,61-64,76, 80, 88, 104	A/B
00132	COL A,C,E,G,I	A/B
00133	COL A,C,E,G COL B,H/LN 1-3 COL J/LN 4,5	A
00134	COL "LEVELIZED UTILIZED INV"	A/B
00135	COL A,C/LN 57-62 COL "SOURCES COL A"/LN 68-76	A
00136	COL "LEVELIZED UTIL INV", LN 17	A/B
00137	COL A,B,C,E,G	A
00138	COL "LEVELIZED UTIL INV",LN 0,16, 21 COL A, B, C, E, G, LN 81,89	A/B A
00140	COLS "LEVELIZED UTIL INV", LN 17	A/B
00141	COL A,B,C,E,F	A
00142	LN A,C, LN 142-149	A
00143	COL "LEVELIZED UTIL INV" LN 16	A/B
00144	COL A,B,C,E,G	A
00145	COL A,B,C,E,G,	A
00146	COL "LENGTHS (A)"	A/B

Attachment A

**FPSC DOCKET 950984-TP
RESPONSE TO ORDER No. PSC-96-0444-FOF-TP
COST STUDIES**

LOCATION OF THE PROPRIETARY INFORMATION

<u>PAGE NO.</u>	<u>LINE/COLUMN NUMBER</u>	<u>REASON</u>
F18G01Q		
00147-00151	COL (A)	A/B
00156	COL A,B	A
00157	COL A,B,D,E,F,G	A
00159	ITEM 4, DESIGN PROBABILITIES	A/B
00161	LN 2	A/B
00180	COL A,B,C	A/B
00189-00190	COL L	A
00192	LN 11-14,16-18,24-28,31-33.	A/B
00193	LN 7-9,11,13-15,17	A/B
00195	LN 9,11,13,15,17,18,23,24,27,30,33	A/B
00196	LN 5,8,10,11	A/B
00200-00205	COL M&N	A
00207	LN 11	A/B
00210	LN 117,119,121,123,125,127,130, 132, 134, 136, 139,141,143,145,147,149,151, 153-158,	A/B
00211	LN 13,15,17,19,21,23,26,28, 30,32,35,37, 39,41,43,45,47,49-54.	A/B
00212	LN 117, 119,121,123, 125,127,130, 132, 134, 136, 139, 141, 143, 145, 147, 151, 153-158	A/B
00217	COL C&D	A/B
00218	COL A,B,D,E,F,G	A/B
00219	COL C,D	A/B
00220	COL A,B,D,E,F,G	A/B
00221	COL A/B	A/B

Attachment A

**FPSC DOCKET 950984-TP
RESPONSE TO ORDER No. PSC-96-0444-FOF-TP
COST STUDIES**

LOCATION OF THE PROPRIETARY INFORMATION

<u>PAGE NO.</u>	<u>LINE/COLUMN NUMBER</u>	<u>REASON</u>
F18G01Q		
00222-00223	COL A&G	A/B
00224	COL G	A/B
00225-00226	COL A&G	A/B
00227	COL G	A/B
00229	COL B&C; LN 18-22	A/B
00232	LN 4,5,6	A/B
00233	COL D-I	A/B
00246	LN 1, 6	A/B
00249	COL "MONTHLY COST"	A/B
00250-00251	COL C,E-O	A/B
00253	LN 2,3,6,9,10,17-20, 23, 26, 29,30, 33, 36	A
00254	LN 2, 5, 11, 14, 17, 20,23,24,27,30	A
00259	COL A&B	A/B
00260	COL A,B,D,E,F,G	A/B
00261	COL A&B	A/B
00262	COL A,B,D,E,F,G	A/B