

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Consideration of
BellSouth Telecommunications,
Inc.'s entry into interLATA
services pursuant to Section 271
of the Federal
Telecommunications Act of 1996.

DOCKET NO. 960786-TL
ORDER NO. PSC-97-1093-CFO-TL
ISSUED: September 22, 1997

ORDER GRANTING REQUESTS FOR CONFIDENTIAL TREATMENT

Pursuant to Section 271(d)(3) of the Telecommunications Act of 1996 (the Act), the Federal Communications Commission (FCC) has 90 days to issue a written determination approving or denying a Bell Operating Company's (BOC) application for interLATA authority. Further, the FCC is directed to consult with the appropriate State Commission before making a determination regarding the BOC's entry into the interLATA market. Specifically, the ACT requires the FCC to consult with the State Commission in order to verify the BOC's compliance with the requirements of Section 271(c) of the Act. On June 28, 1996, we opened this docket to begin to fulfill our consultative role. Evidence was presented on whether BellSouth Telecommunications, Inc. (BellSouth) has met the requirements of Section 271(c) of the Act during the hearing, which was held September 2 - 10, 1997.

On August 18, 1997, BellSouth filed a Request for Confidential Classification of information contained in its responses to Staff's First Request for Production Documents (PODs), Document Nos. 08301-97 and 07722-97. On August 28, 1997, BellSouth filed a revised page 2 of Attachment A of its request. BellSouth asserts that disclosure of this information could harm BellSouth's operations either because it is information that may be categorized as a trade secret, because it is customer-specific information, or because it is information that is the subject of a nondisclosure agreement.

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 government should operate in the "sunshine."

DOCUMENT NUMBER-DATE

09578 SEP 22 97

FPSC-RECORDS/REPORTING

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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.

Specifically, BellSouth seeks confidential treatment of information in its response to POD 1 (o), CRIS Users Guide Volume IX, in part 10, Section 1, paragraph 3.01, of page 10.1.5, and in Section 2, Paragraph 1.01, of page 10.2.1, and Exhibit A, page 10.2.A.1. BellSouth also seeks confidential treatment of the information in Section 3, paragraph 2.01, of page 10.3.1.2, subsection 2, paragraph 2.01, of page 10.3.2.1, and Exhibit A, page 10.3.2.A.1; in Section 4, paragraph 2.01, of pages 10.4.1 and 10.4.2, Exhibit B, page 10.4.B.1, Exhibit C, page 10.4.C.1, Exhibit D, page 10.4.D.1, and Exhibit E, page 10.4.E.1; in Section 5, Exhibit A, page 10.5.A.1; and in Volume IX, Part 11, Section 2, Exhibit P, page 11.2.P.1.

BellSouth asserts that this information provides details on how to access, enter and change data in its Operational Support Systems. BellSouth states that it uses these systems in conducting business with its ALEC/IXC customers. BellSouth asserts that it releases copies of these documents only in accordance with a non-disclosure agreement and only to those persons authorized under the agreement to interface with that system. BellSouth states that it considers this information confidential and that this information must be protected from those who might misuse the systems.

BellSouth also seeks confidential treatment of the information in its response to POD 1 (n), FOS Switched Process Guidelines Volume 2, and its response to POD 6. BellSouth requests confidential treatment of the information responsive to POD 1(n) at Tab O, Measurement Descriptions, Exhibits O-1A, O-2A, O-3A, O-4A, O-5A, O-5B, O-6A, O-6B, O-7A, O-7B, O-9A, O-9B, O-10A, O-10B, O-10C, O-11A, O-11B, O-11C, O-12A, O-12B, O-12C, O-13C, O-14A, O-20A, O-21A, O-22A, O-23A, O-24A, O-25A, O-26A, O-27A, O-28A, O-29A, and O-30A. BellSouth also requests confidential treatment of the information at Tab Z, Switched Access Billing, regarding the carrier's names, on pages 4-6, 8-10, 13, 14, 16, 18, 20-22, 24, 25, 27-29, 31, 33, 35, 38, 40, 42, 44, 45, 47, 49, 50, 53, and 55. As for the information responsive to POD 6, Telephone Bills to ALECS for resale, BellSouth seeks confidential treatment of all highlighted customer information, which consists of customer

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telephone numbers and company names, on the cover page, sheets 1-25, and on bill pages 1-271.

BellSouth asserts that this information is customer-specific proprietary confidential information. BellSouth states that it is prohibited from disclosing this information by Section 119.07, Florida Statutes, without a customer's permission. BellSouth further asserts that this information is used by BellSouth and its customers in conducting their business, that BellSouth strives to keep this information secret, and that the information has not already been disclosed.

Upon review, the material is found to be proprietary business information in accordance with Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. Disclosure of this information could be detrimental to BellSouth's operations. Also, any customer-specific information should be protected in accordance with Section 119.07, Florida Statutes. As such, BellSouth's request for confidential treatment is hereby granted.

Based on the foregoing, it is therefore

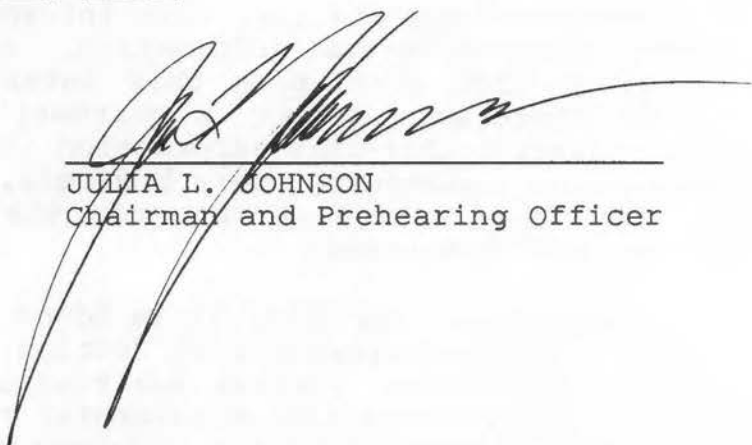
ORDERED by Chairman Julia L. Johnson, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s August 18, 1997, Request for Confidential Treatment of Document Nos. 08301-97 and 07722-97 is granted.

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the 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 will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

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By ORDER of Chairman Julia L. Johnson, as Prehearing Officer,
this 22nd Day of September, 1997.



JULIA L. JOHNSON
Chairman and Prehearing Officer

(S E A L)

BC

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, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060,

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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.