

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-97-1390-CFO-TL
ISSUED: November 3, 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 September 16, 1997, Intermedia Communications Inc. (Intermedia) filed a Request for Confidential Classification of information contained in Julia Strow's Confidential Late-Filed Deposition Exhibit No. 5, Document No. 09442-97. Intermedia asserts that disclosure of this information could harm its competitive interests because it contains information regarding the specific markets where Intermedia does business and the number of customers and volumes that Intermedia serves. On October 2, 1997, Intermedia filed a Request for Confidential Treatment of information contained in Late-Filed Exhibits 80 and 107, Document Nos. 09399-97 and 10117-97. Intermedia asserts that disclosure of this information could harm Intermedia's operations because it is customer-specific information and it includes the manner in which each customer is served.

DOCUMENT NUMBER-DATE

11267 NOV-35

FPSC-RECORDS/REPORTING

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." 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, for Document No. 09442-97, Intermedia seeks confidential treatment of the information on page 1, in lines 4-15, in Columns A-E. Intermedia asserts that this information is proprietary confidential information regarding the breakdown of local numbers by market area and by NPA/NXX. Intermedia also asserts that this information includes the local numbers available, reserved, and assigned. Intermedia states that this information is directly related to its competitive interests and disclosure would impair the company's ability to compete. Intermedia asserts that disclosure of this information would allow competitors to determine the specific markets where Intermedia conducts its business, as well as the number of customers and volume. Thus, Intermedia asserts that this information should be exempt from the disclosure requirements of Section 119.07, Florida Statutes.

Regarding the information contained in Document Nos. 09399-97 and 10117-97, Intermedia requests confidential treatment of the information in Exhibit 80, on page 1, lines 10-13, in Column A. In Exhibit 107, Intermedia seeks confidential treatment of the information on page 1, lines 11-13, in Column A, on page 2, lines 3-47, of Columns A-C, on pages 3-10, in lines 3-48, of Columns A-C, and on page 11, in lines 3-9, of Columns A-C.

Intermedia asserts that the information in Exhibit 80 pertains to the number of business customers Intermedia serves and the manner in which Intermedia provides service to them. Intermedia argues that disclosure of this information would allow competitors to determine the exact number of customers that Intermedia serves and how it provides such service. As for the information in Exhibit 107, Intermedia asserts that the information on page 1 provides the number of business and residential customers served by Intermedia through resale with BellSouth. Intermedia asserts that

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disclosure of this information would allow competitors to know the exact number of Intermedia's customers. Intermedia asserts that the information on pages 3 - 11, in Columns A-B, is information regarding the USOC and describes each resold service Intermedia provides to its residential and business customers. Intermedia states that the information in Column C contains the exact quantity of each particular service Intermedia resells. Intermedia asserts that disclosure of any of this information would impair its ability to compete because competitors would be able to determine the type and quantity of resold services that Intermedia provides to its business and residential customers. Thus, Intermedia asserts that this information should be exempt from the disclosure requirements of Section 119.07, Florida Statutes.

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 Intermedia's ability to compete. As such, Intermedia's requests for confidential treatment are hereby granted.

Based on the foregoing, it is therefore

ORDERED by Chairman Julia L. Johnson, as Prehearing Officer, that Intermedia Communications Inc.'s September 16, 1997, and October 2, 1997, Requests for Confidential Treatment of Document Nos. 09442-97, 09399-97 and 10117-97 are 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 3rd Day of November, 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.