

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-97-1391-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 October 7, 1997, American Communications Services of Jacksonville, Inc. (ACSI) filed a Request for Confidential Classification of information contained in witness James Falvey's Late-Filed Hearing Exhibit 75, regarding the number of ACSI's customers and access lines, as found in Document No. 10278-97 and referenced Document No. 09382-97. ACSI asserts that it treats this information as confidential, proprietary information and that this information has not otherwise been disclosed.

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

DOCUMENT NUMBER-DATE

11268 NOV-30

FPSC-RECORDS/REPORTING

ORDER NO. PSC-97-1391-CFO-TL
DOCKET NO. 960786-TL
PAGE 2

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. 10278-97, and referenced Document No. 09382-97, ACSI seeks confidential treatment of the number of customers and access lines identified in the paragraph titled "Response." ACSI argues the disclosure of this information would allow competitors to ascertain ACSI's market penetration, its revenues and its business plans. ACSI asserts that with this knowledge, its competitors would be able to adversely affect ACSI's business interests.

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 would harm ACSI's ability to compete by allowing competitors to target market ACSI's customers. As such, ACSI's request for confidential treatment is hereby granted.

Based on the foregoing, it is therefore

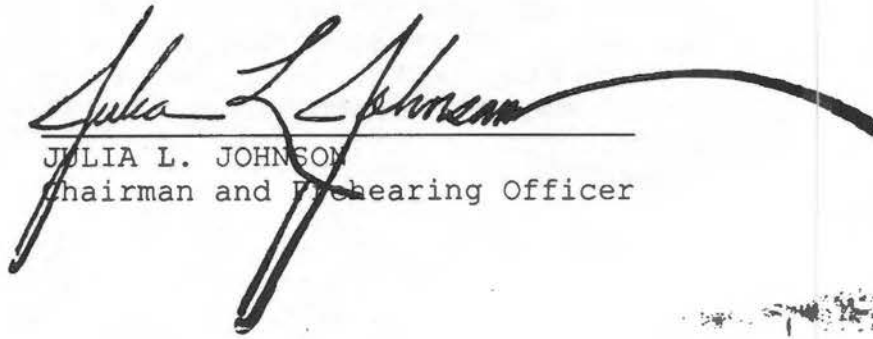
ORDERED by Chairman Julia L. Johnson, as Prehearing Officer, that American Communications Services of Jacksonville, Inc.'s Request for Confidential Classification of information contained in Document No. 10278-97 and referenced Document No. 09382-97 is granted.

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.

ORDER NO. PSC-97-1391-CFO-TL
DOCKET NO. 960786-TL
PAGE 3

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

ORDER NO. PSC-97-1391-CFO-TL
DOCKET NO. 960786-TL
PAGE 4

reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, 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.

7