

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-97-1392-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 17, 1997, Teleport Communications Group Inc. (TCG) filed a Request for Confidential Classification of information contained in Paul Kouroupas' Late-Filed Deposition Exhibits, Nos. 1, 2, 4, and 5, Document No. 09445-97, and referenced Document No. 08676-97. TCG asserts that disclosure of this information could harm its competitive interests because it contains information regarding the number of circuits on TCG's own facilities and number of circuits on BellSouth's facilities that TCG uses. On September 29, 1997, TCG filed a Request for Confidential Treatment of information contained in Frank Hoffman's Late-Filed Hearing Exhibit 120, Document No. 09465-97, which was filed September 17, 1997, under a Notice of Intent to Request Confidential Treatment. TCG asserts that disclosure of this information could harm TCG's competitive interests and that it treats this information as confidential, proprietary information and that this information has not otherwise been disclosed.

DOCUMENT NUMBER-DATE

11269 NOV-35

FPSC-RECORDS/REPORTING

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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. 09445-97, and referenced Document No. 08676-97, TCG seeks confidential treatment of the information in Kouroupas' Late-Filed Deposition Exhibit 1, for the information identified in the lines Type 1: and Type 2:. TCG asserts that this is information regarding its circuits and the BellSouth's circuits that TCG uses. TCG asserts that disclosure of this information would impair TCG's competitive interests by allowing competitors to determine the amount of traffic transmitted over TCG's facilities and its entire Florida network.

In Kouroupas' Late-Filed Deposition Exhibit 2, TCG seeks confidential treatment of all information contained within the graphs in the report entitled "TELEPORT COMMUNICATIONS 1997 MAINTENANCE RESULTS," pages 1 - 6. TCG states that this report contains information regarding interruption data for the facilities that BellSouth provides to TCG. In the report entitled "PERFORMANCE REPORTING," TCG seeks confidential treatment of the information regarding the number of TCG's circuits that BellSouth monitors for performance. TCG states that disclosure of the service interruption information would give its competitors information regarding service and maintenance problems that have affected TCG's customers, thereby giving competitors an advantage. TCG further states that disclosure of the circuit information would allow competitors to determine the amount of traffic being transmitted over TCG's network, which would impair TCG's ability to compete.

In Kouroupas' Late-Filed Deposition Exhibit 4, TCG seeks confidential treatment of the information on page 1 of 1 regarding the number of trunks and unbundled loops that TCG utilizes in Florida. TCG asserts that disclosure of this information would

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adversely impact TCG's business interests and that it treats this information as confidential.

In Kouroupas' Late-Filed Deposition Exhibit 5, TCG seeks confidential treatment of all information on page 1 of 1, which is the name of a TCG customer that resells residential service over TCG's facilities. TCG asserts that disclosure of this information would impair its competitive business interests by giving TCG's competitors the name of a significant TCG customer and information regarding the specific services that TCG provides to that customer.

Regarding Frank Hoffman's Late-Filed Hearing Exhibit 120, Document No. 09465-97, TCG seeks confidential treatment of the information on pages 1 and 2, in each dated paragraph, that identifies the name of customers who have initiated service with TCG since January, 1997, the geographic location of those customers, or the number of trunks necessary to serve these customers. TCG asserts that disclosure of the information would impair its competitive business interests by allowing competitors to determine the amount of traffic on TCG's network and by identifying TCG's significant customers.

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 allow TCG's competitors to specifically target TCG's customers and market, thereby impairing TCG's ability to compete. As such, TCG's requests for confidential treatment are hereby granted.

Based on the foregoing, it is therefore

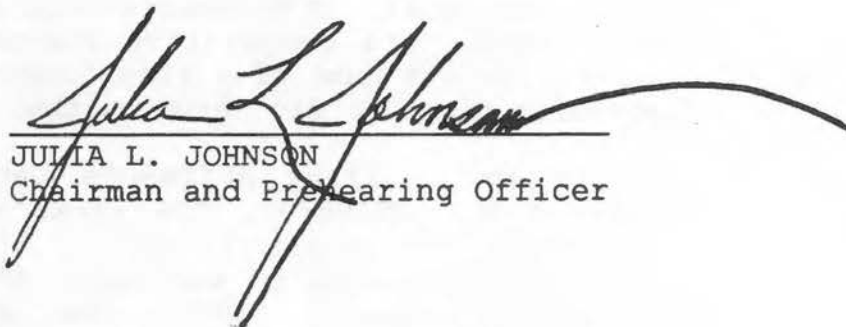
ORDERED by Chairman Julia L. Johnson, as Prehearing Officer, that Teleport Communications Group Inc.'s September 17, 1997, and September 29, 1997, Requests for Confidential Treatment of Document Nos. 09445-97, 08676-97, and 09465-97-97 are granted.

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

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ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

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,

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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, 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.