

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-97-1396-CFO-TL  
ISSUED: November 5, 1997

ORDER GRANTING REQUEST 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 10, 1997, BellSouth filed a Request for Confidential Classification of information contained in Late-Filed Deposition Exhibits Nos. 2, 3, and 4, of Alphonso J. Varner, Document No. 09165-97, and referenced Document No. 08416-97. BellSouth asserts that this information is proprietary information that BellSouth treats as confidential, and that it has not been otherwise 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 is the Company's burden to demonstrate that the documents fall into

DOCUMENT NUMBER-DATE

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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 Varner's Late-Filed Deposition Exhibit 2, on page 1, in lines 12, 13, and 16. In Late-Filed Deposition Exhibit 3, BellSouth seeks confidential treatment of the information on page 1, in lines 14-29. In addition, BellSouth seeks confidential treatment of the information in witness Varner's Late-Filed Deposition Exhibit 4, on page 1, in lines 12 and 13.

BellSouth asserts that this information is customer-specific proprietary confidential information. BellSouth states that it is prohibited from disclosing this information by Section 364.24, Florida Statutes, without a customer's permission. BellSouth states that all of this information pertains to the numbers and types of services purchased from BellSouth by other companies. 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 364.24(2), Florida Statutes. As such, BellSouth's request for confidential treatment is hereby granted.

Based on the foregoing, it is therefore

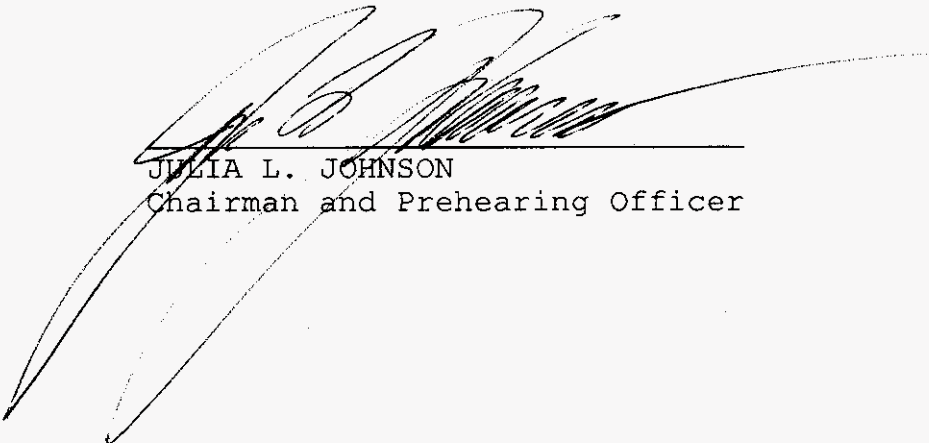
ORDERED by Chairman Julia L. Johnson, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s September 10, 1997, Request for Confidential Treatment of Document No. 09165-97, and referenced Document No. 08416-97, is granted.

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

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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 5th 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.