

MEMORANDUM

FEBRUARY 18, 1998

RECEIVED

FEB 18 1998

10:00  
FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (B. KEATING) *BK*

RE: DOCKET NO. 921074-TP - PETITION OF INTERMEDIA COMMUNICATIONS OF FLORIDA, INC. FOR EXPANDED INTERCONNECTION FOR AAVS WITHIN LEC CENTRAL OFFICES

98-0301-CFD-TP

Attached is an ORDER GRANTING BELLSOUTH TELECOMMUNICATIONS, INC.'S REQUEST FOR CONFIDENTIAL TREATMENT OF DOCUMENT NO. 06365-94 to be issued in the above-referenced docket. (Number of pages in Order - 4)

BK/anr  
Attachment  
cc: Division of Communications  
I: 921074cb.bk

*23 faxed  
2 mailed*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for expanded interconnection for alternate access vendors within local exchange company central offices by INTERMEDIA COMMUNICATIONS OF FLORIDA, INC.

DOCKET NO. 921074-TP  
ORDER NO. PSC-98-0301-CFO-TP  
ISSUED: February 18, 1998

ORDER GRANTING BELL SOUTH TELECOMMUNICATIONS, INC.'S REQUEST FOR CONFIDENTIAL TREATMENT OF DOCUMENT NO. 06365-94

On October 16, 1992, Intermedia Communications of Florida, Inc. (Intermedia or ICI) filed a petition seeking authorization for Alternative Access Vendors (AAVs) to provide certain services through collocation arrangements in local exchange company (LEC) central offices. In order to address Intermedia's petition, broader questions regarding private line and special access expanded interconnection had to be resolved. In Phase I of this proceeding we addressed expanded interconnection for special access and private line. Phase II was devoted to expanded interconnection for switched access.

On June 27, 1994, BellSouth Telecommunications, Inc. (BellSouth) filed a request for confidential classification of some of its responses to Staff's Third Request for Production of Documents (PODs), Document No. 06365-94. Specifically, BellSouth requested confidential treatment of portions of its responses to PODs Nos. 18, 23, 24, 25, and 26.

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.

DOCUMENT NUMBER-DATE  
02342 FEB 18 98  
FPSC-RECORDS/REPORTING

In its response to POD No. 18, BellSouth seeks confidential treatment of the information on page F10B03Z 0004, 0005, Columns A-D and F-I, page 0011, Columns A-D and F-I, and page 0027, Columns A-D and F-I. The identified portion contains customer specific information, the disclosure of which would benefit any competitor in developing specific strategies to compete with BellSouth. BellSouth also seeks confidential treatment of the information on pages F10B03Z 84, 86, 88, 90, 92, 94, 96, 98, in Columns B-F; on pages 0085, 87, 89, 91, 93, 95, 97, and 99, in Columns B-E; on pages 0100, and 0102, in Columns B-G; on pages 0101 and 0103, in Columns B-D; on pages 0104, 107, 109, 111, 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 150, 153, 155, 157, 159, 161, 163, 167, 169, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, and 201, in Columns B-F; and on pages 105, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 151, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, and 202, in Columns B-E. The identified portions reflect BellSouth's market strategy and could be used by competitors to develop a specific market strategy to obstruct BellSouth's efforts in the marketplace. BellSouth argues that disclosure of this information would harm its ability to compete. BellSouth treats this information as proprietary confidential business information.

In its response to POD No. 23, BellSouth seeks confidential treatment of page F10B03Z 0503, lines 17-24; page 0504, lines 9-36; page 0505, lines 3-8; page 0506, lines 35-39; page 0507, lines 2-10; page 0508, lines 6-12; page 0509, lines 3-10; page 0511, Columns B-D; page 0512, lines 2, b, d, f, 12-14; pages -513-0520, the entire page; page 0523, lines 23-29; pages 0524-0530, the entire page; page 0531, lines 4-21; page 0543, the entire page; page 0537, lines 1-3; pages 0538-0542, the entire page; pages 0544-0557 and 0559-0565, the entire page; page 0567, lines 2-3; page 0570-0571, lines 2-5; page 0572, lines 3-5; pages 0573-0574, the entire graphs; page 0585, the entire page; pages 0587-0590, the entire page; page 0591, lines 2-3; pages 0596-0597, the entire page; page 0603, lines 9-25; pages 0604-0606, the entire page; page 0607, lines 12-22; page 0609, the entire page; page 0610, lines 3-23; page 0611, pages 1-12 (margin alia); pages 0612-0615, the entire page; pages 0619-0630, the entire page; page 0631, lines 12-25; pages 0632-0654, the entire page, pages 0656-0757, the entire page; pages 0205-0207, all costs on lines 8, 9, 12-16, and 19-26; pages 0210-0212, all costs on lines 8, and 11-13; and pages 0213-0217, Columns C-G. BellSouth asserts that these portions of its response to POD No. 23 contain information regarding its market strategy, its customers, and they contain BellSouth's cost study

summaries. Any of this information could be used by a competitor to develop specific market strategies designed to compete against BellSouth and would impair BellSouth's ability to compete. BellSouth asserts that it treats this information as proprietary confidential business information.

In its response to POD No. 26, BellSouth seeks confidential treatment of the information on page 0218, Columns C-E; pages 0219 and 0220, Columns B-H; Pages -221-0223, Columns B-G; page 0224, Columns B-C; pages 0225-0226, lines 4-6, Columns B-E; , lines 26-34; pages 0227-0233, the items in Columns Indicators, Year, Min. Max. Inc., and Dec.; Pages 0228 and 0234, Columns B-D; pages 0229 and 0235, line 8; pages 0230 and 0236, lines 8-9; pages 0231 and 0237, Columns B-C, line 28; and pages 0232 and 0238, lines 9 and 14. BellSouth asserts that this information contains cost study summaries that include actual incremental unit cost information for discrete rate elements of MegaLink, Special Access, Switched Access, and LightGate services. BellSouth argues that competitors could use this information to develop market strategies concerning access services which would hinder BellSouth's ability to compete. BellSouth asserts that it treats this information as proprietary confidential business information.

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 impair BellSouth's ability to compete. As such, it shall be granted confidential treatment.

Based on the foregoing, it is therefore


ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s June 27, 1994, Request for Confidential Classification of Document No. 06365-94, is hereby granted. It is further

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-98-0301-CFO-TP  
DOCKET NO. 921074-TP  
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By ORDER of Commissioner J. Terry Deason, as Prehearing  
Officer, this 18th day of February, 1998.

  
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J. TERRY DEASON, Commissioner and  
Prehearing Officer

( S E A L )

BK

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.

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, 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.