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Legal Department

E. Earl Edenfield, Jr.
General Attorney

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BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(404) 335-0763

RECORDS AND
REPORTING

November 8, 1999

Mrs. Blanca S. Bayó
Director, Division of Records and Reportin
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

This request for confidentiality was filed in a docketed matter by or on behalf of a telecommunications company for Confidential Document No. 13125-99. No ruling is required unless the material is subject to a request per 119.07, FS, or has been admitted into the record per Rule 25-22.006(8)(b), FAC.

Re: Docket No. 990750-TP (ITC^DeltaCom)

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Request for Specified Confidential Classification of BellSouth's Responses to Interrogatory No. 42A and Requests for Production Nos. 12 and a portion of No. 15, which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

E. Earl Edenfield Jr. (cc)

E. Earl Edenfield, Jr.

cc: All Parties of Record
Marshall M. Criser III
R. Douglas Lackey
Nancy B. White

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

13724 NOV-8 99

FPSC-RECORDS/REPORTING

**CERTIFICATE OF SERVICE
Docket No. 990750-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

(+) Hand Delivery and Company Mail this 8th day of November, 1999 to the following:

Diana Caldwell (+)
Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
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BellSouth Center
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E. Earl Edenfield, Jr.
E. Earl Edenfield, Jr. (KE)

*Signed a Protective Agreement

Nanette S. Edwards, Esq. * (+)
Regulatory Attorney
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J. Michael Huey
J. Andrew Bertron, Jr. (+)
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106 East College Avenue
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Tallahassee, Florida 32302
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Fax. No. (850) 222-2593

Parkey Jordan, Esq.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re:)	
)	Docket No. 990750-TP
Petition for Arbitration of ITC^DeltaCom)	
Communications, Inc. with BellSouth)	
Telecommunications, Inc. pursuant to the)	
Telecommunications Act of 1996.)	Filed: November 8, 1999
_____)	

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION**

BellSouth Telecommunications, Inc., ("BellSouth") pursuant to Rule 25-22.006, *Florida Administrative Code*, files this Request for Specified Confidential Classification, and says:

1. On September 28, 1999 the Staff of the Florida Public Service Commission (the "Staff") served its Second Set of Interrogatories and Second Request for Production of Documents on BellSouth. On October 8, 1999, BellSouth filed its General Objections to that discovery. On October 18, 1999, BellSouth served its Responses and Objections to the Staff's Second Set of Interrogatories and Second Request for Production of Documents along with a Notice of Intent.

2. BellSouth files this Request for Specified Confidential Classification because the information contained in BellSouth's responses to Interrogatory No. 42A and Requests for Production Nos. 12 and a portion of No. 15 (The BellSouth ADSL Technical Service Description) includes proprietary information.

3. Attachment A to BellSouth's Request for Confidential Classification contains an explanation of the proprietary information along with a list that identifies the location of the information designated by BellSouth as confidential.

4. Attachment B to BellSouth's Request for Confidential Classification contains two copies of the documents with the confidential information redacted.

5. Attachment C to BellSouth's Request for Confidential Classification is a sealed envelope containing one copy of the documents including those portions that are confidential and proprietary.

6. The information contained in BellSouth's response to Interrogatory No. 42A includes competitive business information concerning updates to BellSouth's proprietary TAFI system. Disclosure of this information would enable competing vendors to enhance their systems at the expense of BellSouth, which does not have access to similar information from said vendors. (See Attachment A, Number 4, for a more detailed discussion). The information in BellSouth's response to Request for Production No. 12 includes BellSouth's business plans, forecasts and other confidential business information. (See Attachment A, Number 1, for a more detailed discussion). The information in BellSouth's response to a portion of Request for Production No. 15 (The BellSouth ADSL Technical Service Description) includes vendor specific information, and/or, vendor specific prices negotiated by BellSouth. Public disclosure of this information would provide competitors with an unfair advantage in future negotiations. This same information on competitors is not available to BellSouth. In addition, the information reflects BellSouth's market strategy and potential responses to various competitive scenarios. (See Attachment A, Numbers 2 and 3, for a more detailed discussion). This information discussed in this Request for Confidential Classification is valuable and BellSouth strives to keep it secret. Therefore, such information should be classified as proprietary, confidential business information pursuant to Section

364.183(3)(e), Florida Statutes. Accordingly, it should be held exempt from the public disclosure requirements of Section 119.07, Florida Statutes.

7. BellSouth has treated and intends to continue to treat the information for which confidential classification is sought as private, and this information has not been generally disclosed.

8. The original of this Request was filed today with the Division of Records and Reporting, and a copy was served on the Parties.

WHEREFORE, based on the foregoing, BellSouth respectfully requests that the Commission enter an order declaring the information described above to be confidential, proprietary business information that is not subject to public disclosure.

Respectfully submitted this 8th day of November, 1999

BELLSOUTH TELECOMMUNICATIONS, INC.

Nancy B. White (KE)

NANCY B. WHITE

MICHAEL P. GOGGIN

c/o Nancy Sims

150 South Monroe Street, Suite 400

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(305) 347-5558

R. Douglas Lackey (KE)

R. DOUGLAS LACKEY

THOMAS B. ALEXANDER

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ATTACHMENT A

**BellSouth Telecommunications, Inc.
FPSC Docket No. 990750-TP
Request for Confidential Classification
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11/08/99**

REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S RESPONSE TO STAFF'S SECOND SET OF INTERROGATORIES, INTERROGATORY NO. 42(a), AND STAFF'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS, NOS. 12 AND 15 FILED OCTOBER 18, 1999, IN DOCKET 990750-TP

Explanation of Proprietary Information

1. The subject information includes BellSouth's business plans, forecasts and other confidential business information of BellSouth. If this information were disclosed publicly, it would damage the competitive interests of BellSouth. Accordingly, this information is entitled to confidential classification pursuant to Section 364.183, Florida Statutes and is exempt from the Open Records Act.
2. This information reflects BellSouth's market strategy relating to its competitive marketing position. Specifically, this information discusses, describes and evaluates BellSouth's potential strategic responses to various competitive scenarios; key details relating to the substance of such projects as well as developmental time frame information and implementation information; and discusses/evaluates recommendations on these potential competitive response. BellSouth's competitors can use this information to develop their own market strategy with which to thwart BellSouth's effort in this market. Thus, the disclosure of this information to BellSouth's competitors would impair BellSouth's ability to compete and is entitled to confidential classification pursuant to Section 364.183(3)(a) and (3)(e), Florida Statutes. In addition, this information is valuable as it is used by BellSouth in conducting its business and BellSouth strives to keep it secret. Therefore, this information is a trade secret which should be classified as proprietary, confidential business information exempt from the Open Records Act.
3. This information contains vendor specific information, and/or, vendor specific prices negotiated by BellSouth. Public disclosure of this information would impair BellSouth's ability to contract for goods and services on favorable terms. This information is valuable, it is used by BellSouth in conducting its business and BellSouth strives to keep it secret. Therefore such information is a trade secret which should be classified as proprietary, confidential business information pursuant to Section 364.183(3) and (3)(d), Florida Statutes.
4. The information requested concerns competitive business information. This information if released would be unfair to BellSouth for it would allow the competition to have free access to updates made to the proprietary TAFI system. Public disclosure of this information to competing vendors with similar systems would enable them to use this information to enhance their own systems. This same information on competitors is not available to BellSouth. This information is valuable, it is used by BellSouth in conducting its business and BellSouth strives to keep it secret. Therefore, such information is a trade secret which should be classified as proprietary, confidential business information pursuant to Section 364.183, Florida Statutes and is exempt from the Open Records Act.

ATTACHMENT A

BellSouth Telecommunications, Inc.
FPSC Docket No. 990750-TP
Request for Confidential Classification
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11/08/99

REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELL SOUTH'S RESPONSE TO STAFF'S SECOND SET OF INTERROGATORIES, INTERROGATORY NO. 42(a), AND STAFF'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS, NOS. 12 AND 15 FILED OCTOBER 18, 1999, IN DOCKET 990750-TP

INTERROGATORY NO. 42 (a)

<u>Location</u>	<u>Reason</u>
Name Column	4
Description Column	4

POD NO. 12

<u>Page</u>	<u>Line Location</u>	<u>Reason</u>
1	Lines 1-17	1
2	Lines 1-17	1
3	Lines 1-17	1
4	Lines 1-27	1
5	Lines 1-27	1
6	Lines 1-23	1

POD NO. 15

<u>Location</u>	<u>Reason</u>
Entire Document	2 and 3