

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of BellSouth
Telecommunications, Inc. for
Section 252(b) arbitration of
interconnection agreement with
Intermedia Communications, Inc.

DOCKET NO. 991854-TP
ORDER NO. PSC-00-0631-CFO-TP
ISSUED: April 4, 2000

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION

On December 7, 1999, BellSouth Telecommunications, Inc. (BellSouth) filed a petition for arbitration of an interconnection agreement with Intermedia Communications, Inc. (Intermedia) under Section 252(b) of the Federal Telecommunications Act of 1996. Therefore, this matter has been set for an administrative hearing.

Pursuant to Order No. PSC-00-0284-PCO-TP, the order establishing procedure, issued February 11, 2000, BellSouth filed the rebuttal testimony and exhibits of Witness Alphonso J. Varner on March 6, 2000. Along with Witness Varner's testimony and exhibits, BellSouth filed a Notice of Intent to Request Confidential Classification of certain information contained in Exhibit AJV-2, Document No. 02944-00. BellSouth stated that the information contained customer proprietary information concerning the accounts of Intermedia.

On March 27, 2000, BellSouth filed a Request for Confidential Classification of that information. BellSouth attached a copy of the pertinent information which has been identified as Document No. 03798-00 by the Division of Records and Reporting. BellSouth reasserts that the information contains customer specific information. BellSouth further states that BellSouth and the Commission have always zealously protected customer specific information. BellSouth states that the information, if public, could allow a competitor of the customer to obtain an unfair advantage. Therefore, BellSouth asserts that the information is clearly proprietary and confidential pursuant to Sections 364.24 and 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. BellSouth states that it has treated and intends to treat the information as private and indicates that the information has not been disclosed.

DOCUMENT NUMBER-DATE

04 | 21 | APR -48

FPSC-RECORDS/REPORTING

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.

Section 364.183(3), Florida Statutes, states that proprietary confidential business information is:

[O]wned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public.

Based on the definition of proprietary confidential business information in Section 364.183(3), Florida Statutes, it appears that the information for which BellSouth seeks confidential classification is information that, if disclosed, would cause harm to a ratepayer. Thus, this information qualifies as proprietary business information under Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. Also, any customer-specific information should be protected in accordance with Section 364.24(2), Florida Statutes. As such, BellSouth's request for confidential classification is hereby granted.

It is therefore

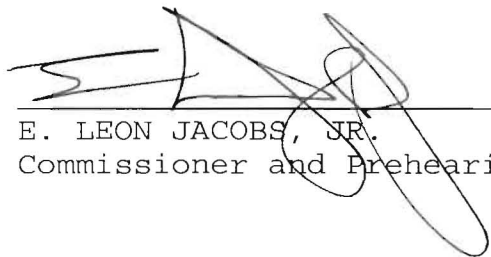
ORDERED by Commissioner E. Leon Jacobs, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Request for Confidential Classification of Documents Nos. 02940-00 and 03798-00 is hereby granted. It is further

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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.

By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, this 4th day of April, 2000.



E. LEON JACOBS, JR.
Commissioner and Prehearing Officer

(S E A L)

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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)

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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.