

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by BellSouth Telecommunications, Inc. for Section 252(b) arbitration seeking resolution of certain issues arising in negotiation of resale agreement with Florida Telephone Services, LLC.

DOCKET NO. 991947-TP
ORDER NO. PSC-00-0871-CFO-TP
ISSUED: May 3, 2000

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF DOCUMENT NO. 03985-00 AND REFERENCED DOCUMENT NO. 03098-00

On July 14, 1999, BellSouth Telecommunications, Inc. (BellSouth) requested negotiations with Florida Telephone Services, LLC, (FTS) to establish a new resale agreement between the companies in accordance with Section 251 of the Telecommunications Act of 1996 (the Act). In the course of negotiations between the companies, one issue was not resolved. Therefore, on December 17, 1999, BellSouth filed a Petition for Arbitration pursuant to Section 252(b) of the Act. This matter has been set for an administrative hearing.

On March 30, 2000, BellSouth filed a Request for Specified Confidential Classification of Exhibit DCC-1, Document No. 03985-00 and referenced Document No. 03098-00. BellSouth asserts that this exhibit contains cost studies that include vendor-specific pricing information, as well as other confidential business information. BellSouth states that it treats this information as confidential and that the information has not been made publicly available.

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

05492 MAY-38

FPSC-RECORDS/REPORTING

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BellSouth seeks confidential classification of the specific information contained in Exhibit DDC-1 that is identified in Attachment A, which is attached and incorporated by reference in this Order. BellSouth argues that disclosure of this information would impair BellSouth's ability to contract for goods or services on favorable terms because competitors would have an unfair advantage in future negotiations if they had access to this information. Thus, BellSouth believes it should be classified as confidential business information in accordance with Section 364.183(3)(e), Florida Statutes.

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 BellSouth or its ratepayers by impairing BellSouth's ability to compete. Disclosure of this detailed information would impair BellSouth's ability to contract with its vendors. Thus, this information qualifies as proprietary business information under Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. As such, BellSouth's request for confidential treatment is hereby granted.

Based on the foregoing, it is therefore

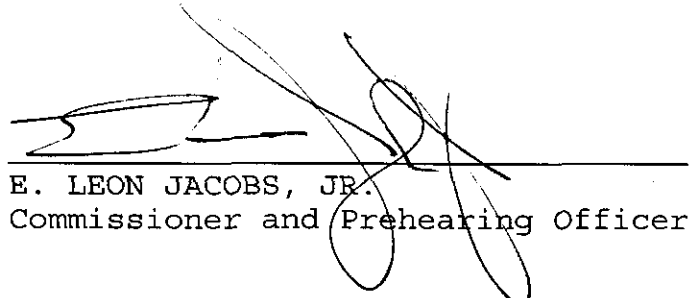
ORDERED by Commissioner E. Leon Jacobs, Jr., as Prehearing Officer, that BellSouth Telecommunications, Inc.'s March 30, 2000, Request for Confidential Classification of Document No. 03985-00, and referenced Document No. 03098-00, is granted. It is further

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.

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By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, this 3rd Day of May, 2000.



E. LEON JACOBS, JR.
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 25-22.038(2), 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.

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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF D. DAONNE
CALDWELL'S EXHIBIT DDC-1 FILED MARCH 9, 2000 IN FLORIDA DOCKET
NO. 991947-TP**

Explanation of Proprietary Information

1. This information reflects vendor specific pricing negotiated by BellSouth. Public disclosure of this information would impair BellSouth's ability to contract for goods and/or services on favorable terms. Pursuant to Section 364.183(3)(e), Florida Statutes, such information is classified as proprietary, confidential business information which is exempt from the Open Records Act.

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000044	Line 118 – Col. 1998-2002	1
	Line 119 – Col. 1998 – 2005	
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000045	Line 171 - Col. 1998	1
	Line 176 – Col. 1999-2005	
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	Line 217-222- Col. 1996	
000046	Lines 225 – 251- Col. 1996	1
	Lines 258-274 – Col. 1997	
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	Lines 269-278 – Col. 1999-2001	
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000048	Lines 334-335, 337, 339 – Col. 1998-2005	1
	Lines 343-347 – Col. 1997-1998	
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000049	Lines 389-394 – Col. 1997-1998	1
	Lines 397-398 – Col. 1997-1998	
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000050	Lines 412-416 – Col. 1998-2005	1
000056	Lines 10-11- Col. 1997-1998	1
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000057	Line 54 – Col. 1997-1998	1
	Lines 57-62 – Col. 1997-1998	
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000058	Line 104 – Col. 1997-1998	1
	Line 105 – Col. 1996	
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	Line 108 – Col. 1997	
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000059	Line 10-11 – Col. 1997-1998	1
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	Lines 36 – Col. 1997-1999	
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000060	Lines 54-64 – Col. 1998	1
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000061	Line 103-104 – Col. 1998-2005	1
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	Lines 37-38 – Col. 1996	
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000063	Line 58-79 – Col. 1997-1998	1
	Line 89-92 – Col. 1998-2005	
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000064	Lines 105-107 Col. 1996	1
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000065	Line 10 – Col. 1997-1998	1
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000066	Line 57 – Col. 1998-2005	1
	Lines 59-61 – Col. 1998-2005	
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000067	Line 10, Col. 1997-1998	1
	Line 14-18, Col. 1998	
	Line 21-23, Col. 1998	
	Line 27-28 – Col. 1998-1999	
	Line 36 – Col. 1999-2000	
	Line 39-40 – Col. 1999-2005	
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000068	Line 51 – Col. 1997-1998	1
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000070	Lines 48-49,55 – Col. 1997-1998	1
	Lines 48-55 – Col. 1998	
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	Line 73 – Col. 1997	
000071	Lines 79-80 Col. 1996	1
	Line 83 – Col. 1997-1998	
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	Line 86 – Col. 1997-1998	
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000072	Line 10-11 – Col. 1997-1998	1
	Line 11 – Col. 1998	
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000074	Line 10 – Col. 1996-1998	
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000075	Lines 48 – Col. 1998-1999	1
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000076	Line 73 – Col. 1996-1998	1
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000077	Lines 9-14 – Col. 1997-1998	1
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000079	Lines 7-8 – Col. 1998-2005	1
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000080	Line 7 – Col. 1996-1998	1
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000082	Line 94 – Col. 1996-1998	1
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000083	Lines 138-139 – Col. 1996-1998	1
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000086	Line 52-56 – Col. 1998-2005	1
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000087	Lines 102-103 – Col. 1998-2005	1
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000090	Line 6 – Col. 1996	1
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000093	Line 38 – Col. B	1
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000094	Line 74 – Col. C-2003	1
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000095	Lines 107-111 – Col. C-2003	1
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