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00 SEP 14 PM 4:36

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RECORDS AND  
REPORTING

September 14, 2000

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

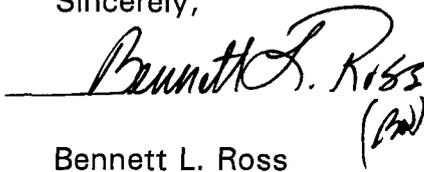
Re: Docket No. 990649-TP (UNE Docket)

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Request for Confidential Classification of portions of the Supplemental Rebuttal Testimony of Terry L. Murray, 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,

  
Bennett L. Ross

This confidentiality request was filed by or for a "telco" for DN 11536-00 No ruling is required unless the material is subject to a request per 119.07, FS, or is admitted in the record per Rule 25-22.006(8)(b), FAC.

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

(x-ref. 10606-00)

DOCUMENT NUMBER-DATE

11535 SEP 14 8

FPSC-RECORDS/REPORTING

**CERTIFICATE OF SERVICE  
Docket No. 990649-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via  
Electronic Mail and Federal Express this 14th day of September, 2000 to the following:

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Bennett L. Ross *(Ross)*

**(+) Signed Protective Agreement**

219337

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into  
Pricing of Unbundled Network  
Elements

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)  
) Docket No.: 990649-TP  
)  
) Filed: September 14, 2000

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

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

1. On August 28, 2000, BlueStar Networks Inc. ("BlueStar"), filed Supplemental Rebuttal Testimony of its witness, Terry L. Murray. Portions of that testimony include information that is proprietary to BellSouth.
2. BellSouth hereby files this Request for Confidential Classification because the information contained in portions of Terry Murray's Supplemental Rebuttal Testimony include vendor-specific pricing information, confidential business information and customer proprietary information. Attachment "A" to BellSouth's Request for Confidential Classification contains the specific justification for the request for confidential classification along with a list that identifies the location of the information designated by BellSouth as confidential.
3. Attachment "B" to BellSouth's Request for Confidential Classification contains two copies of the documents with the confidential information redacted.

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4. 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.

5. The information contained in portions of Terry L. Murray's Supplemental Rebuttal Testimony includes vendor-specific pricing information, confidential business information and customer proprietary information that is considered proprietary to 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. Therefore, such information should continue to be classified as confidential business information and customer proprietary information pursuant to Section 364.24 and Section 364.183(3)(e), Florida Statutes. Accordingly, it should be held exempt from the public disclosure requirements of Section 119.07, Florida Statutes.

6. 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.

7. 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 14th day of September, 2000.

BELLSOUTH TELECOMMUNICATIONS, INC.



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## ATTACHMENT A

**BellSouth Telecommunications, Inc.  
FPSC Docket No. 990649-TP  
Request for Confidential Classification  
Page 1 of 2  
9/14/00**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH  
PROPRIETARY INFORMATION CONTAINED IN THE SUPPLEMENTAL  
REBUTTAL TESTIMONY OF BLUESTAR, COVAD, AND RHYTHMS LINKS'  
WITNESS TERRY L. MURRAY, FILED AUGUST 28, 2000 IN FLORIDA  
DOCKET NO. 990649-TP**

### **Explanation of Proprietary Information**

1. This information contains actual unit cost information for discrete cost elements for the item under study. These costs reflect BellSouth's long run incremental cost of providing these elements on a going forward basis. Public disclosure of this information would provide BellSouth's competitors with an advantage in that they would know the price or rate below which BellSouth could not provide the service. The data is valuable to competitors and potential competitors in formulating strategic plans for entry, pricing, marketing, and overall business strategies concerning access services. 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. 990649-TP  
Request for Confidential Classification  
Page 1 of 2  
9/14/00**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH  
PROPRIETARY INFORMATION CONTAINED IN THE SUPPLEMENTAL  
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WITNESS TERRY L. MURRAY, FILED AUGUST 28, 2000 IN FLORIDA  
DOCKET NO. 990649-TP**

Supplemental Rebuttal Testimony of Terry L. Murray

<u>Page No.</u>	<u>Line No.</u>	<u>Reason</u>
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33	8-18	1
34	3,5	1