

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into  
pricing of unbundled network  
elements.

DOCKET NO. 990649-TP  
ORDER NO. PSC-01-2494-CFO-TP  
ISSUED: December 21, 2001

ORDER GRANTING REQUESTS FOR CONFIDENTIAL TREATMENT  
OF DOCUMENT NO. 10943-00 (CROSS-REFERENCED DOCUMENTS NOS. 09152-  
00 AND 09153-00), DOCUMENT NO. 11042-00 (CROSS-REFERENCED  
DOCUMENTS NOS. 09159-00 AND 09163-00), DOCUMENT NO. 11048-00  
(CROSS-REFERENCED DOCUMENTS NOS. 09993-00 AND 09994-00), AND  
DOCUMENT NO. 11181-00 (SEE CROSS-REFERENCE DOCUMENTS NOS. 05385-  
00, 06296-00 AND 10126-00)

On December 10, 1998, in Docket No. 981834-TP, the Florida Competitive Carriers Association (FCCA), the Telecommunications Resellers, Inc. (TRA), AT&T Communications of the Southern States, Inc. (AT&T), MCIMetro Access Transmission Services, LLC (MCIMetro), WorldCom Technologies, Inc. (WorldCom), the Competitive Telecommunications Association (Comptel), MGC Communications, Inc. (MGC), Intermedia Communications Inc. (Intermedia), Supra Telecommunications and Information Systems (Supra), Florida Digital Network, Inc. (Florida Digital Network), and Northpoint Communications, Inc. (Northpoint) (collectively, "Competitive Carriers") filed their Petition of Competitive Carriers for Commission Action to Support Local Competition in BellSouth's Service Territory. Among other matters, the Competitive Carriers' Petition asked that this Commission set deaveraged unbundled network element (UNE) rates.

On May 26, 1999, this Commission issued Order No. PSC-99-1078-PCO-TP, granting in part and denying in part the Competitive Carriers' petition. Specifically, the Commission granted the request to open a generic UNE pricing docket for the three major incumbent local exchange providers, BellSouth Telecommunications, Inc. (BellSouth), Sprint-Florida, Incorporated (Sprint), and GTE Florida Incorporated (GTEFL). Accordingly, this docket was opened to address the deaveraged pricing of UNEs, as well as the pricing of UNE combinations and nonrecurring charges.

By Order No. PSC-99-1397-PCO-TP, issued July 20, 1999, the procedures for this docket were established and the controlling dates set. A Second Revised Order on Procedure, Order No. PSC-00-0540-PCO-TP, was issued on March 16, 2000, which set forth

DOCUMENT NO. 11181-00

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new filing dates and also the newly refined issues to be addressed in this proceeding. By Order No. PSC-00-2015-PCO-TP, issued June 3, 2000, the filing dates were extended and the procedure for this case was further modified. Pursuant to these Orders, Phase I was set for hearing July 17-19, 2000, and Phase II was set for hearing September 19-22, 2000.

On September 5, 2000, BellSouth filed a Supplemental Request for Confidential Classification of BlueStar Networks, Inc., Covad Communications Company, and Rhythms Links, Inc.'s (collectively "Data Alocs") Direct and Rebuttal Testimony of Witnesses Terry L. Murray and Joseph P. Riolo. (Document No. 10943-00 and cross-referenced Documents Nos. 09152-00 and 09153-00), which BellSouth contends contains vendor-specific pricing, cost information, and competitive business information. BellSouth contends that the release of this information would provide its competitors with an unfair advantage in future negotiations, that the same information on competitors is not available to BellSouth, and that BellSouth treats this information as confidential.

On the following day, September 6, 2000, BellSouth also filed a Supplemental Request for Specified Confidential Classification regarding the confidential information contained in the Rebuttal Testimony of Catherine E. Pitts and John C. Donovan/Brian F. Pitkin. (Document No. 11042-00 and cross-referenced Documents Nos. 09159-00 and 09163-00). Similarly, BellSouth argues that this response contains vendor-specific pricing, cost information, and competitive business information. BellSouth contends that the release of this information would provide its competitors with an unfair advantage in future negotiations, that the same information on competitors is not available to BellSouth, and that BellSouth treats this information as confidential.

Also on that day, BellSouth filed a Request for Specified Confidential Classification of its Revised Cost Studies (Document No. 11048-00 and cross-referenced Documents Nos. 09993-00 and 09994-00). Again, BellSouth generally contends that these responses contain vendor-specific pricing, customer proprietary information, and confidential business information. BellSouth contends that the release of this information would provide its competitors with an unfair advantage in future negotiations, that

it has not otherwise been disclosed, and that BellSouth treats this information as confidential.

Finally, on September 8, 2000, BellSouth also filed a Request for Specified Confidential Classification for Exhibit DDC-2 to the Revised Direct Testimony of Daonne Caldwell. (Document No. 11181-00 and cross-referenced Documents Nos. 05385-00, 06296-00 and 10126-00). With regard to this information, BellSouth makes the same general contentions as those identified above.

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.

Specifically, with regard to the Data Alocs Direct and Rebuttal Testimony of Witnesses Terry L. Murray and Joseph P. Riolo, BellSouth contends that the pages and lines identified in Attachment A, which is attached and incorporated herein, should be protected for the reasons also set forth in Attachment A.

As for the information contained in the Rebuttal Testimony of Catherine E. Pitts and John C. Donovan/Brian F. Pitkin, BellSouth contends that the pages, columns, and lines identified in Attachment B, which is attached and incorporated herein, should be protected for the reasons also set forth in Attachment B.

Regarding its Revised Cost Studies, BellSouth contends that the pages and compact disk files identified in Attachment C, which is attached and incorporated herein, should be protected for the reasons set forth in Attachment C.

Finally, as it pertains to Exhibit DDC-2 to the Revised Direct Testimony of Daonne Caldwell, BellSouth argues that the pages and

columns identified in Attachment D, which is attached and incorporated herein, should be treated as confidential because it is confidential business information. Releasing this information would impair BellSouth's ability to contract for goods and/or services on favorable terms.

Section 364.183(3), Florida Statutes, in pertinent part, provides:

The term "proprietary confidential business information" means information, regardless of form or characteristics, which is owned 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 material described herein is proprietary business information in accordance with Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. Disclosure of this information could be detrimental to BellSouth's operations, could impair BellSouth's ability to compete, and its ability to contract for goods and services. As such, BellSouth's Requests for Confidential Classification regarding Document No. 10943-00 (cross-referenced Documents Nos. 09152-00 and 09153-00), Document No. 11042-00 (cross-referenced Documents Nos. 09159-00 and 09163-00), Document No. 11048-00 (cross-referenced Documents Nos. 09993-00 and 09994-00), and Document No. 11181-00 (See cross-reference Documents Nos. 05385-00, 06296-00 and 10126-00), are hereby granted.

Based on the foregoing, it is therefore

ORDERED by Chairman E. Leon Jacobs, Jr., as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Requests for

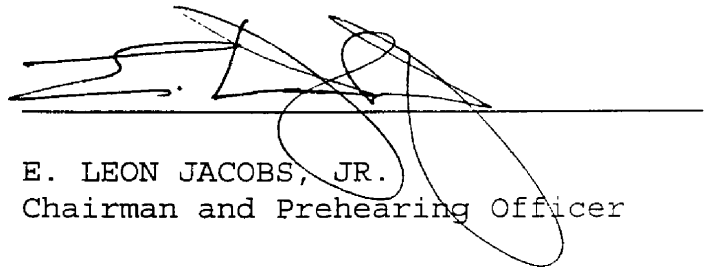
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Specified Confidential Classification addressing Document No. 10943-00 (cross-referenced Documents Nos. 09152-00 and 09153-00), Document No. 11042-00 (cross-referenced Documents Nos. 09159-00 and 09163-00), Document No. 11048-00 (cross-referenced Documents Nos. 09993-00 and 09994-00), and Document No. 11181-00 (See cross-reference Documents Nos. 05385-00, 06296-00 and 10126-00) respectively, are hereby granted.

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the 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 Chairman E. Leon Jacobs, Jr. as Prehearing Officer, this 21st Day of December, 2001.



E. LEON JACOBS, JR.  
Chairman and Prehearing Officer

( S E A L )

WDK

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 the Commission Clerk and Administrative Services, 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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**Supplemental Request for Confidential Classification**  
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**9/5/00**

**SUPPLEMENTAL REQUEST FOR CONFIDENTIAL CLASSIFICATION OF  
BELLSOUTH INFORMATION INCLUDED IN THE  
BLUESTAR/COVAD/RHYTHMS LINKS DIRECT AND REBUTTAL  
TESTIMONY OF WITNESSES' TERRY L. MURRAY AND JOSEPH P. RIOLO  
FILED JULY 31, 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.
2. 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, Florida Statutes, such information is classified as proprietary, confidential business information which is exempt from the Open Records Act.
3. This information contains competitive business information. This information if released would be unfair to BellSouth for it would allow the competition to have free access to information which was developed at an expense to BellSouth. Competitors would then have an advantage in bidding for such business since they would have few, if any, expenses such as research and development to recover, and would bid below BellSouth's cost level. Accordingly, this information is entitled to confidential classification pursuant to Florida Statutes Section 364.183.

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**SUPPLEMENTAL REQUEST FOR CONFIDENTIAL CLASSIFICATION OF  
BELLSOUTH INFORMATION INCLUDED IN THE  
BLUESTAR/COVAD/RHYTHMS LINKS DIRECT AND REBUTTAL  
TESTIMONY OF WITNESSES' TERRY L. MURRAY AND JOSEPH P. RIOLO  
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**TERRY L. MURRAY, JULY 31, 2000 DIRECT AND REBUTTAL TESTIMONY**

<u>Page</u>	<u>Line</u>	<u>Reason</u>
30	12	1,2,3
35	15,16,18-20	1,2,3
39	17,23	1,2,3
40	2	1,2,3
47	8-14	3
91	19,20	3
103	7,10,14-16	1,2,3
104	13-15, 18	1,2,3



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TESTIMONY OF WITNESSES' TERRY L. MURRAY AND JOSEPH P. RIOLO  
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**JOSEPH P. RIOLO. JULY 31, 2000 DIRECT AND REBUTTAL TESTIMONY**

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28	1-17	1,2,3
29	4	1,2,3
52	13-23	3
53	1-6	3
55	19-22	3
56	1-22	3
57	1-23	3
58	1-21	3
72	6-20	3
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77	1,2	3
86	15,16	3

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**SUPPLEMENTAL REQUEST FOR CONFIDENTIAL CLASSIFICATION OF  
BELLSOUTH INFORMATION INCLUDED IN THE AT&T REBUTTAL  
TESTIMONY OF WITNESSES' CATHERINE E. PITTS AND JOHN C.  
DONOVAN/BRIAN F. PITKIN FILED JULY 31, 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.
2. 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, Florida Statutes, such information is classified as proprietary, confidential business information which is exempt from the Open Records Act.
3. This information is derived from the Switching Cost Information System (SCIS) which is the property of Telcordia Technologies, Inc (Telcordia). Public disclosure of this information would violate BellSouth's agreement with Telcordia and would impair BellSouth's ability to contract for goods and/or services in the future. Pursuant to Section 364.183, Florida Statutes, such information is classified as proprietary, confidential business information which is exempt from the Open Records Act.
4. This information contains competitive business information. This information if released would be unfair to BellSouth for it would allow the competition to have free access to information which was developed at an expense to BellSouth. Competitors would then have an advantage in bidding for such business since they would have few, if any, expenses such as research and development to recover, and would bid below BellSouth's cost level. Accordingly, this information is entitled to confidential classification pursuant to Florida Statutes Section 364.183.

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**SUPPLEMENTAL REQUEST FOR CONFIDENTIAL CLASSIFICATION OF  
BELLSOUTH INFORMATION INCLUDED IN THE AT&T REBUTTAL  
TESTIMONY OF WITNESSES' CATHERINE E. PITTS AND JOHN C.  
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**CATHERINE E. PITTS, JULY 31, 2000 REBUTTAL TESTIMONY**

<u>Page</u>	<u>Line</u>	<u>Reason</u>
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8	1	4
20	13,14	4
23	Footnote 25	1
26	14,15,18	1,4
CEP-2, Pg 1 of 3	Entire Page	3
CEP-2, Pg 2 of 3	Entire Page	3
CEP-2, Pg 3 of 3	Entire Page	3
B000050	Column e,f,g	1,2
B000051	Column e,f	1,2
B000053	Material Column	1,2
	Discount Column	1,2
	E&I Column	1,2
	Total Column	1,2
	Capacity Column	1,2
	Unit Column	1,2

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**SUPPLEMENTAL REQUEST FOR CONFIDENTIAL CLASSIFICATION OF  
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TESTIMONY OF WITNESSES' CATHERINE E. PITTS AND JOHN C.  
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CATHERINE E. PITTS, JULY 31, 2000 REBUTTAL TESTIMONY

<u>Page</u>	<u>Line</u>	<u>Reason</u>
CEP-4	Util Invstmn Col	1,2
	Material Column	1,2
	Discount Column	1,2
	E&I Column	1,2
	Total Column	1,2
	Capacity Column	1,2
	Unit Column	1,2
	Utilization Col	1,2
	Util Invstmn Col	1,2
CEP-8	Amount Column	1,2
	L12, L13, and L17	1,2

JOHN C. DONOVAN/BRIAN F. PITKIN, JULY 31, 2000 REBUTTAL  
TESTIMONY

<u>Page</u>	<u>Line</u>	<u>Reason</u>
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44	1-3	1,2
JCD/BFP-10		
Pg 6	BellSouth Value Lines 335-339, Col C	1,2
Pg 7	BellSouth Value Lines 409-414, Col C	1,2

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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S  
REVISED COST STUDY FILED AUGUST 16, 2000 IN FLORIDA DOCKET NO.  
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**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, Florida Statutes, such information is classified as proprietary, confidential business information which is exempt from the Open Records Act.
2. This information reflects actual demand for certain BellSouth services. If this information were given to a competitor he would know how much demand BellSouth has in a particular service in a particular wire center, thus providing the competitor with marketing and planning information. This information is valuable, and is used by BellSouth in conducting its business and BellSouth strives to keep it secret. BellSouth's competitors can use this information to develop their own market strategy with which to thwart BellSouth's efforts in these markets. Thus, the disclosure of this information to BellSouth's competitors would impair BellSouth's ability to compete. In addition, this information is valuable; it is used by BellSouth in conducting its business and BellSouth strives to keep it secret. Therefore, it is a trade secret which should be classified as proprietary, confidential business information exempt from the Open Records Act pursuant to Section 364.183, Florida Statutes.
3. This information is derived from the Switching Cost Information System (SCIS) which is the property of Telcordia Technologies, Inc (Telcordia). Public disclosure of this information would violate BellSouth's agreement with Telcordia and would impair BellSouth's ability to contract for goods and/or services in the future. Pursuant to Section 364.183, Florida Statutes, such information is classified as proprietary, confidential business information which is exempt from the Open Records Act.

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96-100	1
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107-108	1
109-110	1
113-116	1
119-120	1
125-126	1
194	1
<b>APPENDIX G Network Diagrams and Supporting Files</b>	
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65	1
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3-00000015 - 3-00000017	1
3-00000023 - 3-00000024	1
3-00000029 - 3-00000032	1
3-00000059	1
3-00000061 - 3-00000062	1
3-00000074 - 3-00000079	1
3-00000086	1
3-00000088 - 3-00000091	1
3-00000095	1
3-00000103	1

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3-00000147	1
3-00000151	1
3-00000154	1
3-00000160	1
3-00000164	1
3-00000168	1
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3-00000209 - 3-00000211	1
3-00000215 - 3-00000218	1
3-00000220	1
3-00000248 - 3-00000250	1
3-00000305	1
3-00000307	1
3-00000334 - 3-00000335	1 and 2
3-00000348 - 3-00000351	1 and 2
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3-00000363	3
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3-00000406 - 3-00000407	1 and 2
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3-00000424 - 3-00000425	3
3-00000430	1
3-00000433	3
3-00000437 - 3-00000439	3
3-00000440 - 3-00000442	1 and 3
3-00000443 - 3-00000446	3
3-00000461 - 3-00000463	3
3-00000469	1
3-00000470 - 3-00000480	3
3-00000485 - 3-00000487	3
3-00000491 - 3-00000499	3
3-00000504 - 3-00000505	3
3-00000521	1
3-00000662	1
3-00000681	1
3-00000703 - 3-00000705	1
3-00000711	1
3-00000713 - 3-00000715	1
3-00000768 - 3-00000773	1
3-00000776 - 3-00000786	1
3-00000789 - 3-00000792	1
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3-00000891	2
3-00000895 - 3-00000898	1 and 2
3-00000900	1 and 2
3-00001153	1
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3-00001244 - 3-00002044	3
3-00002052 - 3-00002086	3
3-00002091	1
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**Guide to Proprietary Highlighting:**

For pages with no colored highlighting – Any area with light gray shading contains BellSouth proprietary information.

For pages with colored highlighting (with or without gray shaded areas) – The colored area designates BellSouth proprietary information. Disregard any gray shading that may also be on the same page.

**COMPACT DISKS**

**PROPRIETARY COST STUDY FILING CD**

<u>FILE NAME</u>	<u>BASIS</u>
800_FL.xls	1
99mattable.xls	1
ADUF.xls	1
CCS7_FL.xls	1
CD.xls	1
CD2.xls	1
Chnlz1-0.xls	1
Chnlx3-1.xls	1
Dkfbriof.xls	1



<u>FILE NAME</u>	<u>BASIS</u>
Dkfbrll.xls	1
dsl_calc.xls	1
DS1DS3FL.xls	1
Eoduf.xls	1
FL_0100I0.MDB	3
FL_0100LC.MDB	3
F15egwsm.txt	3
F15esm.txt	3
Flcnam.xls	1
FLDE_SST_P.xls	1 and 3
FLDe_SST_U.xls	1 and 3
Fldmgwsm.txt	3
Fldmsm.txt	3
FLLQDB.XLS	1
FL-nid.xls	1
FLNPDID.xls	1
FLNPRCF.xls	1
FLSCR.xls	1
FLST_SST_P.xls	1 and 3
FLSt_SST_U.xls	1 and 3
FLUNTW.xls	1
FL-USL.xls	1
Housing.xls	1
IO_VG2.xls	1
IO_VG4.xls	1
LIDB_FL.xls	1
Mdf_fund.xls	3
Mouser.dbs	3
Oduf.xls	1
Odufamaf.xls	1
Scis261b.exe	3
Smsaccfl.xls	1
SS7FUND.xls	1
Tolkitfl.xls	1

BSTLM CDs 1, 2 and 3:

These CDs are integrated in such manner  
that individual file identification is not meaningful.

1 and 3

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**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF DDC-2, D. DAONNE  
CALDWELL'S REVISED DIRECT TESTIMONY, FILED AUGUST 18, 2000 IN  
FLORIDA DOCKET NO. 990649-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, Florida Statutes, such information is classified as proprietary, confidential business information which is exempt from the Open Records Act.

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REQUEST FOR CONFIDENTIAL CLASSIFICATION OF DDC-2, D. DAONNE  
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DDC-2

<u>Page No.</u>	<u>Column</u>	<u>Reason</u>
1-4, 7-10,	Vend "A" Material Cost	1
12-15	Vend "B" Material Cost	1
17-20,23-28, 34,52	Material Cost	1