Andrew D. Shore Senior Regulatory Counsel

BellSouth Telecommunications, Inc. 150 South Monroe Street Room 400 Tallahassee, Florida 32301 (404) 335-0743

January 24, 2002

Mrs. Blanca S. Bayó
Director, Division of the Commission
Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

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

Dear Mrs. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Request for Specified Confidential Classification for Daonne Caldwell Late-Filed Deposition Exhibit Nos. 6 and 11 along with a CD Rom containing attachments for No. 6 (Public) and attachments No. 11 (Proprietary) 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,

Andrew D. Shore (UA)

Indrew D. Shore

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

00904 JAN 248

## CERTIFICATE OF SERVICE Docket No. 990649A-TP

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

Federal Express this 24<sup>th</sup> day of January, 2002 to the following:

Wayne D. Knight
Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Tel. No. (850) 413-6216
Fax. No. (850) 413-6217
wknight@psc.state.fl.us

Joseph A. McGlothlin (+)
Vicki Gordon Kaufman (+)
McWhirter, Reeves, McGlothlin,
Davidson, Decker, Kaufman, Arnold,
& Steen, P.A.
117 South Gadsden Street
Tallahassee, FL 32301
Tel. No. (850) 222-2525
Fax. No. (850) 222-5606
Attys. For FCCA
Atty. for BlueStar
jmcglothlin@mac-law.com

Karen Jusevitch
AT&T Communications
101 North Monroe Street
Suite 700
Tallahassee, FL 32301
Tel. No. (850) 425-6313
Fax. No. (850) 425-6361
kjusevit@att.com

Jim Lamoureux (+)
AT&T Communications
1200 Peachtree Street, N.E.
Room 8068
Atlanta, Georgia 30309
Tel. No. (404) 810-4196
Fax. No. (404) 877-7648
jlamoureux@att.com

Richard D. Melson (+)
Gabriel E. Nieto
Hopping Green Sams & Smith, P.A.
Post Office 6526
123 South Calhoun Street
Tallahassee, FL 32314
Tel. No. (850) 222-7500
Fax. No. (850) 224-8551
Atty. For MCI
rmelson@hgss.com

Dulaney L. O'Roark
MCI Telecommunications Corporation
6 Concourse Parkway
Suite 600
Atlanta, GA 30328
Tel. No. (770) 284-5498
Fax. No. (770) 284-5488
De.ORoark@mci.com

Floyd Self
Messer, Caparello & Self
Post Office Drawer 1876
215 South Monroe Street, Suite 701
Tallahassee, FL 32302-1876
Tel. No. (850) 222-0720
Fax. No. (850) 224-4359
Atty. for AT&T
fself@lawfla.com

Terry Monroe
Vice President, State Affairs
Competitive Telecomm. Assoc.
1900 M Street, N.W.
Suite 800
Washington, D.C. 20036
Tel. No. (202) 296-6650
Fax. No. (202) 296-7585
tmonroe@comptel.org

Kimberly Caswell (+)
GTE Florida Incorporated
One Tampa City Center
201 North Franklin Street
Tampa, Florida 33602
Tel. No. (813) 483-2617
Fax. No. (813) 204-8870
kimberly.caswell@verizon.com

Karen M. Camechis (+)
Pennington, Moore, Wilkinson &
Dunbar, P.A.
215 South Monroe Street, 2nd Flr.
Tallahassee, Florida 32301
Tel. No. (850) 222-3533
Fax. No. (850) 222-2126
Represents Time Warner
Karen@penningtonlawfirm.com

Carolyn Marek (+)
Vice President of Regulatory Affairs
Southeast Region
Time Warner Communications
233 Bramerton Court
Franklin, Tennessee 37069
Tel. No. (615) 376-6404
Fax. No. (615) 376-6405
Carolyn.Marek@twtelecom.com

Mark E. Buechele, Esquire
Supra Telecom
1311 Executive Center Drive
Koger Center - Ellis Building
Suite 200
Tallahassee, FL 32301-5027
Tel. No. (850) 402-0510
Fax. No. (850) 402-0522
mbuechele@stis.com
bchaiken@stis.com

Donna Canzano McNulty, Esq. (+) MCI WorldCom, Inc. 325 John Knox Road The Atrium Bldg., Suite 105 Tallahassee, FL 32303 Tel. No. (850) 422-1254 Fax. No. (850) 422-2586 donna.mcnulty@wcom.com

Michael A. Gross (+)
VP Reg. Affairs & Reg. Counsel
Florida Cable Telecomm. Assoc.
246 East 6th Avenue
Tallahassee, FL 32303
Tel. No. (850) 681-1990
Fax. No. (850) 681-9676
mgross@fcta.com

Florida Public Telecomm. Assoc. Angela Green, General Counsel 2292 Wednesday Street, #1 Tallahassee, FL 32308 Tel. No. (850) 201-2525 Fax. No. (850) 222-1355 abgreen@coraltelecom.com

Intermedia Communications, Inc. Scott Sapperstein (+)
Sr. Policy Counsel
One Intermedia Way
MCFLT-HQ3
Tampa, FL 33647
Tel. No. (813) 829-4093
Fax. No. (813) 829-4923
SASapperstein@intermedia.com

Charles J. Rehwinkel (+)
1313 Blair Stone Road
Tallahassee, FL 32301
Tel. No. (850) 847-0244
Fax. No. (850) 878-0777
Counsel for Sprint
charles.j.rehwinkel@mail.sprint.com

John P. Fons (+)
Ausley & McMullen
227 South Calhoun Street
Tallahassee, FL 32301
Tel. No. (850) 224-9115
Fax. No. (850) 222-7560
Counsel for Sprint
jfons@ausley.com

Brian Sulmonetti
MCI WorldCom, Inc.
6 Concourse Parkway
Suite 3200
Atlanta, GA 30328
Tel. No. (770) 284-5500
Brian.Sulmonetti@wcom.com

Catherine F. Boone, Esq. (+) Regional Counsel

Covad Communications Company 10 Glenlake Parkway Suite 650 Atlanta, GA 30328-3495 Tel. No. (678) 579-8388 Fax. No. (678) 320-9433 cboone@covad.com

Charles J. Beck
Deputy Public Counsel
Office of the Public Counsel
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400
Tel. No. (850) 488-9330
Fax. No. (850) 488-4491
beck.charles@leg.state.fl.us

Eric J. Branfman (+)
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007-5116
Tel. No. (202) 424-7500
Fax. No. (202) 424-7645
Represents Florida Digital Network, Inc.
ejbranfman@swidlaw.com

Matthew Feil
Florida Digital Network, Inc.
390 North Orange Avenue
Suite 2000
Orlando, FL 32801
Tel. No. (407) 835-0460
mfeil@floridadigital.net

John McLaughlin KMC Telecom. Inc. Mr. John D. McLaughlin, Jr. 1755 North Brown Road Lawrenceville, GA 30043 Tel. No. (678) 985-6261 Fax. No. (678) 985-6213 jmclau@kmctelecom.com

Bettye Willis (+)
ALLTEL Communications

Services, Inc.
One Allied Drive
Little Rock, AR 72203-2177
bettye.j.willis@alltel.com

J. Jeffry Wahlen (+)
Ausley & McMullen
227 South Calhoun Street
Tallahassee, FL 32301
Tel. No. (850) 425-5471
Fax. No. (850) 222-7560
Atty. for ALLTEL
jwahlen@ausley.com

Stephen P. Bowen
Blumenfeld & Cohen
4 Embarcadero Center
Suite 1170
San Fransisco, CA 94111
Tel. No. (415) 394-7500
Fax. No. (415) 394-7505
stevebowen@earthlink.net

Charles J. Pellegrini
Katz, Kutter, Haigler, Alderman, Bryant
& Yon, P.A.
106 East College Avenue
Suite 1200
Tallahassee, FL 32301
Represents Intermedia
Tel. No. (850) 577-6755
Fax No. (850) 222-0103
cjpellegrini@katzlaw.com

George S. Ford (+)
Chief Economist
Z-Tel Communications, Inc.
601 South Harbour Island Blvd.
Tampa, FL 33602
Tel. No. (813) 233-4630
Fax. No. (813) 233-4620
gford@z-tel.com

Jonathan E. Canis Michael B. Hazzard Kelley Drye & Warren, LLP
1200 19th Street, NW, Fifth Floor
Washington, DC 20036
Tel. No. (202) 955-9600
Fax. No. (202) 955-9792
jcanis@kelleydrye.com
mhazzard@kelleydrye.com
Counsel for Z-Tel Communications. Inc.

Rodney L. Joyce
Shook, Hardy & Bacon, LLP
600 14th Street, N.W., Suite 800
Washington, D.C. 20005-2004
Tel. No. (202) 639-5602
Fax. No. (202) 783-4211
rjoyce@shb.com
Represents Network Access Solutions

Russell M. Blau Thomas R. Lotterman (+) Michael Sloan (+) Robert Ridings (+) Swidler Berlin Shereff Friedman 3000 K Street, N.W. Suite 300 Washington, D.C. 20007-5116 Tel. No. (202) 424-7755 Fax. No. (202) 424-7643 Attys. for Broadslate Networks, Inc. Attys. for Cleartel Comm. MCSloan@swidlaw.com rmblau@swidlaw.com riridings@swidlaw.com trlotterman@swidlaw.com

John Spilman
Director Regulatory Affairs and
Industry Relations
Broadslate Networks, Inc.
675 Peter Jefferson Parkway
Suite 310
Charlottesville, VA 22911
Tel. No. (804) 220-7606
Fax. No. (804) 220-7701
john.spilman@broadslate.net

Andrew D. Shore (LA)

(+) Signed Protective Agreement

#### BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into pricing of unbundled)	Docket No.: 990649A-TP
network element )	
)	Filed: January 24, 2002

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

COMES NOW, BellSouth Telecommunications, Inc. ("BellSouth" or "Company"), and pursuant to Rule 25-22.006, Florida Administrative Code, files its Request for Specified Confidential Classification.

- 1. On January 23, 2002, BellSouth filed the Late-Filed Deposition Exhibits of Daonne Caldwell. Late-Filed Exhibit Nos. 6 and 11 are being provided on CD-Rom. These exhibits includes vendor-specific pricing information, confidential business information and customer proprietary information that is considered proprietary to BellSouth.
- 2. BellSouth hereby files this Request for Specified Confidential Classification because the information contained in Daonne Caldwell's Late-Filed Exhibit Nos. 6 and 11 include vendor-specific pricing information and other confidential business information that could cause competitive harm to BellSouth, and is confidential and proprietary under Florida Statutes, Sections 364.183 and 364.24.
- 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 is a public version.
- 5. Attachment C to BellSouth's Request for Confidential Classification is a sealed envelope containing one copy of the documents in CD-ROM form which are confidential and proprietary
- 6. The information contained in the attachments to Daonne Caldwell's Late-Filed Deposition Exhibits, Item Nos. 6 and 11 include include vendor-specific pricing information, confidential business information and customer proprietary information. A more specific description of this information is contained in Attachment A. Public disclosure of this information would provide competitors with an unfair advantage in future negotiations. Corresponding information on competitors is not available to BellSouth. The information discussed in this Request for Specified Confidential Classification is valuable and BellSouth strives to keep it secret. Therefore, such information should 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.
- 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 the Commission Clerk and Administrative Services 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 24<sup>th</sup> day of January, 2002.

BELLSOUTH TELECOMMUNICATIONS, INC.

NANCY B WHITE C/O Nancy Sims

150 South Monroe Street, Suite 400

Tallahassee, FL 32301

(305) 347-5558

ANDREW SHORE

R. DOUGLAS LACKEY

**Suite 4300** 

675 W. Peachtree St., NE

Atlanta, GA 30375

(404) 335-0743

### ATTACHMENT A

BellSouth Telecommunications, Inc. FPSC Docket No. 990649A-TP Request for Confidential Classification Page 1 of 1 1/24/02

REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S LATE-FILED DEPOSITION EXHIBIT OF DAONNE CALDWELL, ITEM NOS. 6 AND 11 FILED JANUARY 24, 2002, IN FLORIDA DOCKET NO. 990649A-TP

### **Explanation of Proprietary Information**

This information reflects BellSouth's cost to provide certain services. The 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, therefore, it would be inequitable and unfair for BellSouth's competitors to have access to BellSouth's cost information. In addition, this information is valuable, BellSouth uses it in conducting its business and BellSouth strives to keep it secret. Therefore, such information is a trade secret that should be classified as proprietary, confidential business information pursuant to 364.183, Florida Statutes and is exempt from the Open Records Act.

Exhibit No. 6 CD-ROM	Reason
Files entitled: FL-USL.xls DSLAM.xls	1
Exhibit No. 11 – CD-ROM	
Entire Document	1