

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by Davel Communications, Inc.,
Parent Company of Telaleasing Enterprises, Inc.
(holder of PATS Certificate No. 2358), Against
BellSouth Telecommunications, Inc. Concerning
Deposit Requirements, and Request for Invocation
of Protections Afforded by Rule 25-22.032(6),
F.A.C., During Pendency of Complaint Process

Docket No. 030176-TP

Filed: March 17, 2003

**REQUEST FOR CONFIDENTIAL CLASSIFICATION
PURSUANT TO SECTION 364.183(1), FLORIDA STATUTES**

Pursuant to Section 364.183(1), Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Davel Communications, Inc. ("Davel"), hereby notifies the Florida Public Service Commission ("FPSC" or "Commission") that certain information identified herein contains confidential and proprietary business information that should be held exempt from public disclosure under Chapter 119, Florida Statutes. Davel requests the Commission to issue any appropriate protective orders that might be required to protect such information from public disclosure.

On February 14, 2003, Davel filed its Complaint Against BellSouth Telecommunications, Inc. ("BellSouth") Concerning Deposit Requirements and Request for Invocation of Protections Afforded by Rule 25-22.0232(6), Florida Administrative Code, During Pendency of Complaint Process ("Complaint"). On March 6, 2003, BellSouth filed its Answer to Davel's Complaint, along with a Notice of Intent to Request Specified Confidential Classification for portions of its Answer to the Complaint. In filing its Answer, BellSouth filed both a confidential version of its Answer, as well as a redacted version. The confidential version of BellSouth's Answer contains five (5) different dollar figures related to the disputed deposit amounts that form the heart of the current controversy.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

The information for which this Request is submitted is highly proprietary competitive information that meets the definition of confidential proprietary business information pursuant to Section 364.183(3)(a),(d), and (e), Florida Statutes. Section 364.183(3) provides, in pertinent part that:

(3) The term “proprietary confidential business information” means information, regardless of the 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. The term includes, but is not limited to:

(a) Trade secrets.

...

(d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company or its affiliates to contract for goods or services on favorable terms.

(e) Information concerning bids or other contractual data, the disclosure of which would impair the competitive business of the provider of information.

The information for which this Request is submitted has not been publicly disclosed by either party. The dollar amounts listed on the Confidential Document pertain to deposit amounts that BellSouth has requested from Davel, as well as BellSouth’s additional calculations of such deposit amounts in response to Davel’s Complaint. A competitor could employ these dollar figures to derive valuable information regarding how much business Davel generates in the BellSouth territory. This is valuable information to both Davel and BellSouth and impacts the competitive interests of both companies. Disclosure of this information has the potential to harm both companies. Information of this type is routinely kept confidential by companies in the normal course of business and is disclosed only under confidentiality agreements and only when

required for business purposes, and then, strictly on a “need to know” basis in furtherance of specific business activity, such as seeking a competitive bid or evaluating existing business arrangements.

For the reasons set forth, Davel requests that the Commission grant this Request for Confidential Classification, exempt the identified information from disclosure under Chapter 119, Florida Statutes, and issue any appropriate protective order, protecting the information from disclosure while it is maintained at the Commission.

Respectfully submitted this 17th day of March, 2003.

By: 
ANGELA B. GREEN

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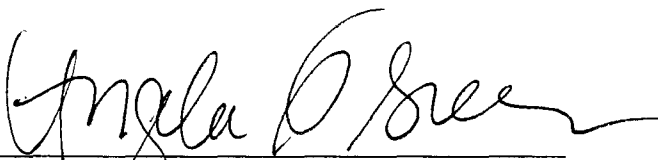
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via U.S. Mail* Overnight Mail** or Hand Delivery*** this 17th day of March, 2003, to the following:

Nancy B. White, General Counsel-Florida
Meredith E. Mays, Regulatory Counsel
c/o Nancy H. Sims**
BellSouth Telecommunications, Inc.
150 South Monroe Street, Suite 400
Tallahassee, Florida 32301-1556

Lee Fordham*
Division of General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399

By:



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