

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Florida  
Competitive Carriers Association  
against BellSouth  
Telecommunications, Inc.  
regarding BellSouth's practice  
of refusing to provide  
FastAccess Internet Service to  
customers who receive voice  
service from a competitive voice  
provider, and request for  
expedited relief.

DOCKET NO. 020507-TL  
ORDER NO. PSC-03-0975-CFO-TL  
ISSUED: August 28, 2003

ORDER GRANTING MCI'S REQUEST FOR SPECIFIED CONFIDENTIAL  
CLASSIFICATION FOR DOCUMENT NO. 07180-03

On June 12, 2002, the Florida Competitive Carriers Association (FCCA) filed a Complaint against BellSouth Telecommunications, Inc. (BellSouth) and a Request for Expedited Relief seeking relief from BellSouth's practice of refusing to provide its FastAccess service to customers who receive voice service from an Alternative Local Exchange Carrier (ALEC). By Order No. PSC-02-0935-PCO-TL, issued July 12, 2002, the request for expedited relief was denied. On July 21 and 22, 2003, an administrative hearing was held in the above matter.

On August 6, 2003, MCI WorldCom Communication, Inc. and MCI metro Access Transmission Services, LLC (MCI) filed its Request for Specified Confidential Classification for certain discovery responses in Exhibits 2, Document No. 07180-03. Attachment A, attached hereto and incorporated herein, contains a detailed justification of the confidentiality of the information at issue. MCI states that in certain discovery responses in Exhibit 2 contains information which is proprietary confidential business information that could cause competitive harm to MCI and is confidential and proprietary under Section 364.183, Florida Statutes. MCI contends that public disclosure of MCI's confidential business information would impair the competitive business of MCI and would cause harm to MCI's business operations.

DOCUMENT NUMBER DATE

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Further, MCI states that it 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.

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.

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 would give MCI's competitors an artificial competitive advantage, allowing them to successfully compete against MCI without the usual market trial and error. As such,

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MCI's Request for Specified Confidential Classification of Document No. 07180-03 is hereby granted.

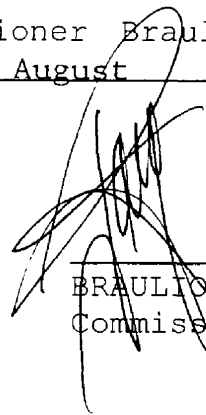
Based on the foregoing, it is

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that MCI WorldCom Communication, Inc. and MCImetro Access Transmission Services, LLC's Request for Specified Confidential Classification of Document No. 07180-03, as set forth in Attachment A, is hereby granted and incorporated by reference into this Order. It is further

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 Commissioner Braulio L. Baez, as Prehearing Officer, this 28th Day of August, 2003.

 for Commissioner Braulio Baez

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BRAULIO L. BAEZ  
Commissioner and Prehearing Officer

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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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, Florida Administrative Code; or (2) 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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ATTACHMENT A

**ATTACHMENT A**

**MCI  
DOCKET NO. 020507-TP**

**EXPLANATION AND IDENTIFICATION  
OF PROPRIETARY INFORMATION**

**RATIONALE "A"**

The information contained in the confidential portions of these responses relates to competitive interests, the disclosure of which would impair the competitive business interested of MCI. Specifically, the information provides detailed data regarding MCI's current number or percentage of broadband customers located in specific markets, or specific states throughout BellSouth's territory. MCI treats its current number of broadband customers as proprietary and confidential information. MCI 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. Public disclosure of this information would provide MCI's competitors and potential competitors with an advantage knowing MCI's specific business strategies, and is valuable to such competitors in formulating strategies for entry, marketing, and overall business strategy. Therefore, this information should be classified as proprietary, confidential business information pursuant to Section 364.183(3)(e), Florida Statutes, exempt from the Open Records Act.

**RATIONALE "B"**

The information contained in the confidential portions of these responses relates to competitive interests, the disclosure of which would impair the competitive business interested of MCI. Specifically, the information provides MCI customer specific account information, such as Purchase Order Number (PONs), and type of service associated with specific customers who are identified by name, telephone or street address. MCI treats this information as proprietary and confidential information. MCI 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. Public disclosure of this information would provide MCI's competitors and potential competitors with an advantage knowing MCI's specific customers, and types of services those customers may use, and is valuable to such competitors. Therefore, this information should be classified as proprietary, confidential business information pursuant to Section 364.183(3)(e), and Section 364.24(2), Florida Statutes, exempt from the Open Records Act.

**RATIONALE “C”**

The information contained in the confidential portions of these responses concerns 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. Specifically, the information provides the identity of broadband service providers with whom MCI had discussions or agreements and detailed information related to those discussions or agreements. MCI treats this information as proprietary and confidential business information. MCI 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. Public disclosure of this information would provide MCI’s competitors and potential competitors with an advantage and would impair the competitive business of MCI. Therefore, this information should be classified as proprietary, confidential business information pursuant to Section 364.183(3)(d), Florida Statutes, exempt from the Open Records Act.

**RATIONALE “D”**

The information contained in the confidential portions of these responses relates to competitive interests, the disclosure of which would impair the competitive business interested of MCI. Specifically, the information provides detailed proprietary and confidential business information of one or more of the following types: 1) internal training material related to customer service representatives; 2) internal plans or strategies regarding partnering with competing DSL providers; or 3) internal plans regarding any firm dates for installing DSL equipment and locations for deploying DSL. MCI treats this information as proprietary and confidential information. MCI 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. Public disclosure of this information would provide MCI’s competitors and potential competitors with an advantage knowing MCI’s specific business strategies, and is valuable to such competitors in formulating strategies for entry, marketing, and overall business strategy. Therefore, this information should be classified as proprietary, confidential business information pursuant to Section 364.183(3)(e), Florida Statutes, exempt from the Open Records Act.

**RATIONALE “E”**

The information contained in the confidential portions of these responses relates to competitive interests, the disclosure of which would impair the competitive business interested of MCI. Specifically, the information provides the specific number of MCI’s UNE-P loops, UNE-loops, and resold lines. MCI treats this information as proprietary and confidential information. MCI 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. Public disclosure of this information would provide MCI's competitors and potential competitors with an advantage knowing MCI's specific business strategies, and is valuable to such competitors in formulating strategies for entry, marketing, and overall business strategy. Therefore, this information should be classified as proprietary, confidential business information pursuant to Section 364.183(3)(e), Florida Statutes, exempt from the Open Records Act.

**RATIONALE "F"**

The information contained in the confidential portions of these responses relates to MCI trade secrets, the disclosure of which would impair the competitive business interested of MCI. Specifically, the information provides comprehensive, detailed proprietary and confidential business information related to MCI's DSL strategy. MCI treats this information as proprietary and confidential business, and trade secret information. MCI 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. Public disclosure of this information would provide MCI's competitors and potential competitors with an advantage knowing MCI's specific business strategies, and is valuable to such competitors in formulating strategies for entry, marketing, and overall business strategy. Therefore, this information should be classified as proprietary, confidential business information pursuant to Sections 364.183(3)(a) and (e), Florida Statutes, exempt from the Open Records Act.

ITEM	LOCATION	RATIONALE
<b>FCCA's Response to BellSouth's Third Set of Interrogatories</b>		
Interrogatory No. 57(ii)(attachment)	Entire Document	B
Interrogatory No. 57(iv)(attachment)	Entire Document	B
Interrogatory No. 59	p. 11, lines 19-21	B
<b>FCCA's Response to BellSouth's Fourth Set of Interrogatories</b>		
Interrogatory No. 69(c)	p. 2, line 28	A
Interrogatory No. 69(d)	p. 2, line 35	A
Supplemental Response to Interrogatory No. 69(d)	p. 1, lines 35, 37	A
<b>FCCA's Response to BellSouth's Fourth Request for Production of Documents</b>		
Request No. 9	Entire Document	B
Request No. 12	Entire Document	D



<b>MCI's Reponses to (1) BellSouth's First Set of Interrogatories (2) Third Set of Interrogatories and (3) First Request for Production of Documents</b>		
Interrogatory No. 7(i)	p. 5, lines 13-14	A
Interrogatory No. 7(ii)	p. 6, lines 6, 8	A
Interrogatory No. 10(iii)	p. 7, lines 25-29, Columns B-D p. 8, line 1, Columns B-D	A
Interrogatory No. 14	p. 9, lines 19-30, Columns B-D p. 10, Lines 1-3, Columns B-D	A
Interrogatory No. 17 (i-iv)	p. 11, lines 7-16	C, D
Interrogatory No. 20 (i-iv)	p. 12, lines 20-25, p. 13, lines 1-3	C, D
Interrogatory No. 66	p. 11, lines 11-15	D
Trade secret documents produced in conjunction with: MCI's Second Supplemental Response to BellSouth's First Request For Production of Documents and MCI's Second Supplemental Response to BellSouth's First Interrogatories in Georgia Docket No. 11901-U, October 24, 2002. (MCI referred to these documents in response to Interrogatories 7, 10, 12, and 17 in Docket No. 020507-TP. BellSouth produced the attached documents as part of Exhibit 2).	Entire Document	F
<b>MCI's Responses and Objections to BellSouth's Second Set of Interrogatories</b>		
Interrogatory No. 6 (confidential attachment)	Column C, lines 17-32 Column D, lines 12, 16, 20, 24, 28, 32 Column E, lines 4, 8, 12, 16, 20, 24, 28, 32	E
Interrogatory No. 8	p. 5, lines 35-36	C
Interrogatory No. 9 (a, b)	p. 6, lines 10-18	C, D