

JAMES MEZA III  
Senior Regulatory Counsel

BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(404) 335-0769

March 10, 2005

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

**Re: 041114-TP – Complaint of XO Florida, Inc. Against  
BellSouth Telecommunications, Inc. for Refusal to Convert  
Circuits to UNEs and for Expedited Processing**

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of BellSouth Telecommunications, Inc.'s Request for Confidential Classification for the Staff conducted deposition of BellSouth witnesses Shelley W. Padgett and Michael E. Willis, 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,

  
James Meza III

Enclosures

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

DOCUMENT NUMBER-DATE

02411 MAR 10 08

FPSC-COMMISSION CLERK

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Complaint of XO Florida, Inc.	)	
Against BellSouth Telecommunications,	)	Docket No. 041114-TP
Inc. for Refusal to Convert Circuits to	)	
UNEs and for Expedited Processing	)	Filed: March 10, 2005

---

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

BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to Rule 25-22.006, Florida Administrative Code, and Section 364.183, Florida Statutes, files this Request for Specified Confidential Classification.

1. On February 17, 2005, the Florida Public Service Commission staff conducted the deposition of BellSouth witnesses Shelley W. Padgett and Michael E. Willis. This deposition contained proprietary testimony as well as confidential exhibits.

2. In order for Staff to take possession of the deposition transcript and exhibits BellSouth is filing this Request for Specified Confidential Classification. The deposition transcript and exhibits contain confidential business, proprietary information. A more specific description of this information is provided in Attachment A. These items should be classified as proprietary, confidential business information pursuant to Section 364.183(3)(e), Florida Statutes and is exempt from the Open Records Act.

3. BellSouth is filing this Request for Confidential Classification to describe exactly what portions are proprietary.

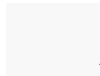
4. Attachment B to BellSouth's Request for Confidential Classification is redacted copies of the documents containing the confidential information.

5. Attachment C to BellSouth's Request for Confidential Classification is a proprietary highlighted copy of the confidential information.

6. The information discussed in this Request for Specified Confidential Classification is valuable, BellSouth treats this business information as confidential in all requests, and this information has not been generally disclosed.

7. 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, pursuant to Section 364.183, Florida Statutes, the Commission enter an order declaring the information described above to be confidential, proprietary business information that is not subject to public disclosure.



**ATTACHMENT A**

**BellSouth Telecommunications, Inc.  
FPSC Docket No. 041114-TP  
Request for Confidential Classification  
Page 1 of 3  
3/10/05**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S  
CONFIDENTIAL DEPOSITION TRANSCRIPT AND EXHIBITS OF SHELLEY W.  
PADGETT AND MICHAEL E. WILLIS, AS FILED MARCH 10, 2005, IN FLORIDA  
DOCKET NO. 041114-TP**

**Explanation of Proprietary Information**

1. This information contains competitive, business information. 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(3)(e), Florida Statutes and is exempt from the Open Records Act.

This information contains business information related to competitive interests of BellSouth that is proprietary to BellSouth. The documents contain actual unit cost information for discrete cost elements. 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 these services. This same information on competitors is not available to BellSouth. Disclosure of this data would impair the competitive business and cause harm to BellSouth. Consequently, this information should be classified as proprietary, confidential business information pursuant to Section 364.183, Florida Statutes and is exempt from the Open Records Act.

3. This material is proprietary and confidential business information of a technical nature used by BellSouth in conducting its business and not commonly known by or available to the public. BellSouth derives economic value from this information not being generally known to, and not being readily ascertainable by competitors who can obtain economic value from its disclosure. Specifically, BellSouth's internal procedures for *Implementation of Single Network Element-Switch As-Is (SNE-SAI)*; *Single Network Element SPA to UNE (SNESAI) Conversion Marketing Service Description* provide description, service restrictions, appropriate forms, service order issuance requirements, installation intervals, repair procedures, etc. that are proprietary and confidential to BellSouth as it describes BellSouth's internal operations. Additionally, the information contains forecasted demand data and BellSouth's strategic schedule of deployment which competitors could use to gain an economic advantage.

Furthermore, this information has been prepared at great cost to BellSouth and therefore, others should not be permitted to gain the noncompetitive benefit from not having to develop these instructions and materials themselves. And, job aids have historically been protected by the Florida Public Service Commission. Therefore, this information is entitled to confidential classification pursuant to Section 364.183(3)(e) of the Florida Statute.

ATTACHMENT A

BellSouth Telecommunications, Inc.  
FPSC Docket No. 041114-TP  
Request for Confidential Classification  
Page 2 of 3  
3/10/05

REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S  
CONFIDENTIAL DEPOSITION TRANSCRIPT AND EXHIBITS OF SHELLEY W.  
PADGETT AND MICHAEL E. WILLIS, AS FILED MARCH 10, 2005, IN FLORIDA  
DOCKET NO. 041114-TP

<u>Location</u>	<u>Reason</u>
<b><u>Confidential Transcript</u></b> Pages 6-32 (in their entirety)	1
<b><u>Confidential Exhibit XO-9 – Confidential status already granted in Order No. PSC-05-0213-CFO-TP</u></b>	
XO1stPODNO1000553, lines 6-28	3
XO1stPODNO1000554, lines 6-44	3
XO1stPODNO1000555, lines 6-30	3
XO1stPODNO1000556, lines 6-42	3
XO1stPODNO1000557, lines 6-27	3
XO1stPODNO1000558, lines 6-18	3
XO1stPODNO1000560, lines 2-26	3
XO1stPODNO1000561, lines 2-36	3
XO1stPODNO1000562, lines 2-14	3
XO1stPODNO1000563, lines 2-33	3
XO1stPODNO1000564, lines 2-13	3
XO1stPODNO1000565, lines 2-40	3
XO1stPODNO1000566, lines 2-34	3
XO1stPODNO1000567, lines 2-28	3
XO1stPODNO1000568, lines 2-31	3
XO1stPODNO1000569, lines 2-22	3
XO1stPODNO1000570, lines 2-10	3
XO1stPODNO1000571, lines 2-29	3
XO1stPODNO1000572, lines 2-9	3
XO1stPODNO1000573, lines 2-27	3
XO1stPODNO1000574, lines 2-25	3
XO1stPODNO1000575, lines 2-15	3
XO1stPODNO1000576, lines 6-33	3

BellSouth Telecommunications, Inc.  
 FPSC Docket No. 041114-TP  
 Request for Confidential Classification  
 Page 3 of 3  
 3/10/05

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELL SOUTH'S  
 CONFIDENTIAL DEPOSITION TRANSCRIPT AND EXHIBITS OF SHELLEY W.  
 PADGETT AND MICHAEL E. WILLIS, AS FILED MARCH 10, 2005, IN FLORIDA  
 DOCKET NO. 041114-TP**

<u>Location</u>	<u>Reason</u>
XO1stPODNO1000577, lines 2-25	3
XO1stPODNO1000578, lines 2-24	3
XO1stPODNO1000579, lines 5-33	3

**Confidential Exhibit XO-10 – Confidential status already granted in  
 Order No. PSC-05-0213-CFO-TP**

XO1stPODNO1000581, lines 2-41	3
XO1stPODNO1000582, lines 2-24	3
XO1stPODNO1000583, lines 2-8	3
XO1stPODNO1000584, lines 2-52	3
XO1stPODNO1000585, lines 2-51	3
XO1stPODNO1000586, lines 2-29	3
XO1stPODNO1000587, lines 2-69	3
XO1stPODNO1000588, lines 2-71	3
XO1stPODNO1000589, lines 2-26	3

**Confidential Exhibit XO-12 – confidential status already granted in  
 Order No. PSC-05-0216-CFO-TP**

Entire Document	2
-----------------	---

**ATTACHMENT B**

**BellSouth Telecommunications, Inc.  
FPSC Docket No. 041114-TP  
Request for Confidential Classification  
Page 1 of 1  
3/10/05**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S  
CONFIDENTIAL DEPOSITION TRANSCRIPT AND EXHIBITS OF SHELLEY W.  
PADGETT AND MICHAEL E. WILLIS, AS FILED MARCH 10, 2005, IN FLORIDA  
DOCKET NO. 041114-TP**

**2 COPIES OF PUBLIC DISCLOSURE DOCUMENT**

**ATTACHMENT C**

**BellSouth Telecommunications, Inc.  
FPSC Docket No. 041114-TP  
Request for Confidential Classification  
Page 1 of 1  
3/10/05**

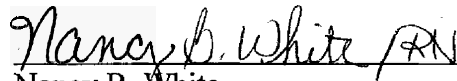
**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH'S  
CONFIDENTIAL DEPOSITION TRANSCRIPT AND EXHIBITS OF SHELLEY W.  
PADGETT AND MICHAEL E. WILLIS, AS FILED MARCH 10, 2005, IN FLORIDA  
DOCKET NO. 041114-TP**

**PROPRIETARY COPY**



Respectfully submitted this 10<sup>th</sup> day of March, 2005.

BELLSOUTH TELECOMMUNICATIONS, INC.

Handwritten signature of Nancy B. White in cursive, followed by the initials "RN" in a stylized font.

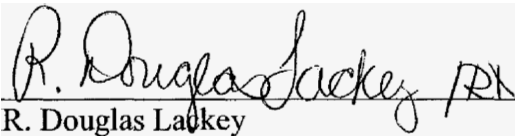
Nancy B. White

c/o Nancy Sims

150 South Monroe Street, Suite 400

Tallahassee, Florida 32301

(305) 347-5558

Handwritten signature of R. Douglas Lackey in cursive, followed by the initials "RN" in a stylized font.

R. Douglas Lackey

James Meza III

BellSouth Center – Suite 4300

675 West Peachtree Street, N.E.

Atlanta, Georgia 30375

(404) 335-0769

**CERTIFICATE OF SERVICE  
DOCKET NO. 041114-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail and First Class U.S. Mail this 10th day of March, 2005 to the following:

Jason Rojas  
Staff Counsel  
Florida Public Service  
Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
Tel. No. (850) 413-6179  
[irojas@psc.state.fl.us](mailto:irojas@psc.state.fl.us)

Vicki Gordon Kaufman (+)  
Moyle Flanigan Katz Raymond  
& Sheehan, PA  
118 North Gadsden Street  
Tallahassee, FL 32301  
Tel. No. (850) 681-3828  
Fax. No. (850) 681-8788  
[vkaufman@moylelaw.com](mailto:vkaufman@moylelaw.com)  
Represents XO

Dana Shaffer  
XO Florida, Inc.  
VP, Regulatory Counsel  
105 Molloy Street, Ste. 300  
Nashville, TN 37201  
Tel. No. (615) 777-7700  
Fax. No. (615) 850-0343  
[dana.shaffer@xo.com](mailto:dana.shaffer@xo.com)

  
James Meza III

**(+) SIGNED PROTECTIVE AGREEMENT**