

JAMES MEZA III  
Senior Regulatory Counsel

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

April 26, 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

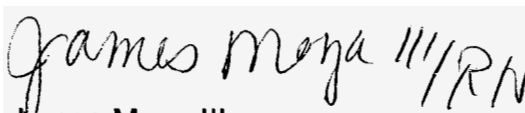
**Re: Docket No.: 040130-TP  
Joint Petition of NewSouth Communications Corp., et al. for Arbitration  
with BellSouth Telecommunications, Inc.**

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of BellSouth Telecommunications, Inc.'s Request for Confidential Classification, 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  
04078 APR 27 03  
FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE  
DOCKET NO. 040130-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 26th day of April, 2005 to the following:

Kira Scott  
Jeremy Susac  
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Florida Public Service  
Commission  
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John J. Heitmann (+)  
Enrico C. Soriano (+)  
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Norman H. Horton, Esq. (+)  
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[nhorton@lawfla.com](mailto:nhorton@lawfla.com)

  
James Meza III

(+) Global protective agreement in place for all (9) states.

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

<b>In the Matter of</b>	)	
<b>Joint Petition of NewSouth</b>	)	<b>Docket No. 040130-TP</b>
<b>Communications Corp. et al. for</b>	)	
<b>Arbitration with BellSouth</b>	)	
<b>Telecommunications, Inc.</b>	)	<b>Filed: April 26, 2005</b>

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

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

1. On April 25, 2005, BellSouth filed in the above-captioned proceeding, the Deposition Transcript of Eddie L. Owens, Scot Ferguson and Eric Fogle taken on June 28 and 29, 2004 in North Carolina Utilities Commission Docket Nos. P-772, Sub 8; P-913, Sub 5; P-989, Sub 3; P-824, Sub 6 and P-1202, Sub 4. These transcripts contain confidential business information that is considered proprietary.

2. BellSouth hereby files this Request for Specified Confidential Classification because the information contained in above-listed transcripts contains confidential business information that is proprietary to BellSouth. A more specific description of this information is contained in Attachment A. Public disclosure of this information would cause competitive harm to BellSouth and provide competitors with an unfair advantage in future negotiations. The information discussed in 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, *Florida Statutes*. Accordingly, it should be held exempt from the public disclosure requirements of Section 119.07, Florida Statutes.

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 redacted copies of the documents containing the confidential information.

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

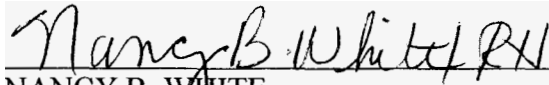
6. The information discussed in this Request for Specified Confidential Classification is valuable, BellSouth treats this information as confidential in all requests, and this information has not been generally disclosed.

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.

Respectfully submitted this 26<sup>th</sup> day of April, 2005.

BELLSOUTH TELECOMMUNICATIONS, INC.

Handwritten signature of Nancy B. White in cursive, followed by a horizontal line.

NANCY B. WHITE

c/o Nancy Sims

150 South Monroe Street, Suite 400

Tallahassee, FL 32301

(305) 347-5558

Handwritten signature of R. Douglas Lackey in cursive, followed by a horizontal line.

R. DOUGLAS LACKEY

JAMES MEZA III

ROBERT CULPEPPER

Suite 4300

675 W. Peachtree St., NE

Atlanta, GA 30375

(404) 335-0769

**ATTACHMENT A**

**BellSouth Telecommunications, Inc.  
Florida Public Service Commission  
Docket No. 040130-TP  
Request for Confidential Classification  
Page 1 of 2  
4/26/05**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF THE DEPOSITION  
TRANSCRIPTS OF EDDIE L. OWENS, SCOT FERGUSON AND ERIC FOGLE  
TAKEN IN THE NORTH CAROLINA UTILITIES COMMISSION DOCKET NOS. P-  
772, SUB 8; P-913, SUB 5; P-989, SUB 3; P-824, SUB 6 AND P-1202, SUB 4 AND FILED  
WITH THE FLORIDA PUBLIC SERVICE COMMISSION ON APRIL 25, 2005 IN  
DOCKET NO. 040130-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.
2. 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.

Location

Reason

**Deposition of Eddie L. Owens – Vol. 1**  
Pages 5-146 (in their entirety)

1, 2

ATTACHMENT A

BellSouth Telecommunications, Inc.  
Florida Public Service Commission  
Docket No. 040130-TP  
Request for Confidential Classification  
Page 2 of 2  
4/26/05

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WITH THE FLORIDA PUBLIC SERVICE COMMISSION ON APRIL 25, 2005 IN  
DOCKET NO. 040130-TP

<u>Location</u>	<u>Reason</u>
<b><u>Deposition of Scot Ferguson – Vol. 1</u></b> Pages 5-105 (in their entirety)	1, 2
<b><u>Deposition of Eric Fogle – Vol. 1</u></b> Pages 5-291	1, 2

**ATTACHMENT B**

**BellSouth Telecommunications, Inc.  
Florida Public Service Commission  
Docket No. 040130-TP  
Request for Confidential Classification  
Page 1 of 1  
4/26/05**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF THE DEPOSITION  
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772, SUB 8; P-913, SUB 5; P-989, SUB 3; P-824, SUB 6 AND P-1202, SUB 4 AND FILED  
WITH THE FLORIDA PUBLIC SERVICE COMMISSION ON APRIL 25, 2005 IN  
DOCKET NO. 040130-TP**

**TWO REDACTED COPIES FOR PUBLIC DISCLOSURE**









**ATTACHMENT B**

**BellSouth Telecommunications, Inc.  
Florida Public Service Commission  
Docket No. 040130-TP  
Request for Confidential Classification  
Page 1 of 1  
4/26/05**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF THE DEPOSITION  
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WITH THE FLORIDA PUBLIC SERVICE COMMISSION ON APRIL 25, 2005 IN  
DOCKET NO. 040130-TP**

**TWO REDACTED COPIES FOR PUBLIC DISCLOSURE**

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BEFORE THE  
NORTH CAROLINA UTILITIES COMMISSION

Docket No. P-772, Sub 8  
Docket No. P-913, Sub 5  
Docket No. P-989, Sub 3  
Docket No. P-824, Sub 6  
Docket No. P-1202, Sub 4

**COPY**

In the Matter of )  
 )  
Joint Petition NewSouth )  
Communications Corp., et al. for )  
Arbitration with BellSouth )  
Telecommunications, Inc. )

Raleigh, North Carolina  
Tuesday, June 29, 2004

Deposition of **ERIC FOGLE**,

**PUBLIC DISCLOSURE DOCUMENT**  
**(Pages 1-293 Redacted in their entirety)**





**ATTACHMENT C**

**BellSouth Telecommunications, Inc.  
Florida Public Service Commission  
Docket No. 040130-TP  
Request for Confidential Classification  
Page 1 of 1  
4/26/05**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF THE DEPOSITION  
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**ONE HIGHLIGHTED COPY**