

ORIGINAL

Timolyn Henry

From: Woods, Vickie [Vickie.Woods2@bellsouth.com]
Sent: Thursday, January 18, 2007 4:20 PM
To: Filings@psc.state.fl.us
Subject: 060598-TL; ACN 06-255-1-1 BellSouth's Amended Request for Specified Confidential Classification
Attachments: 060598-T.pdf

- A. Vickie Woods
 Legal Secretary to James Meza III and Manuel Gurdian
 BellSouth Telecommunications, Inc.
 150 South Monroe Street
 Suite 400
 Tallahassee, Florida 32301
 (305) 347-5560
vickie.woods2@bellsouth.com
- B. Docket No. 060598-TL: In Re: Petition to recover 2005 tropical system related costs and expenses by BellSouth Telecommunications, Inc.
- C. BellSouth Telecommunications, Inc.
 on behalf of Manuel A. Gurdian
- D. 5 pages total (including letter, pleading and certificate of service)
- E. BellSouth Telecommunications, Inc.'s *Amended Request for Specified Confidential Classification*

 .pdf version attached

<<060598-T.pdf>>

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ORIGINAL

Legal Department

Manuel A. Gurdian
Attorney

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150 South Monroe Street
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(305) 347-5561

January 18, 2007

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

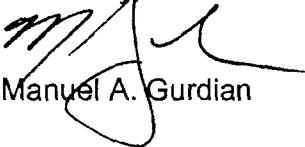
**Re: BellSouth Audit of 2005 Storm Costs; Docket No. 060598-TL;
ACN 06-255-1-1; Additional Confidential Workpapers**

Dear Ms. Bayó:

Enclosed is BellSouth Telecommunications, Inc.'s *Amended* Request for Specified Confidential Classification, which we ask that you file in the captioned docket and audit.

Copies of this letter will be served to the parties shown on the attached Certificate of Service.

Sincerely,



Manuel A. Gurdian

cc: Lynn M. Deamer
Denise N. Vandiver
Jerry D. Hendrix
E. Earl Edenfield, Jr.
James Meza III

DOCUMENT NUMBER-DATE

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CERTIFICATE OF SERVICE
Docket No. 060598-TL

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail and First Class U. S. Mail this 18th day of January, 2007 to the following:

Patrick Wiggins
Adam Teitzman
Felicia West
Theresa Lee Eng Tan
Staff Counsels
Florida Public Service
Commission
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Manuel A. Gurdian
(+) Signed Protective Agreement

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Represents NuVox
Represents CompSouth

FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition to recover 2005 tropical system) Docket No. 060598-TL
related costs and expenses, by BellSouth)
Telecommunications, Inc.)
_____) Filed: January 18, 2007

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
AMENDED 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 Amended¹ Request for Specified Confidential Classification.

1. On September 12, 2006, the Staff of the Florida Public Service Commission (Staff) notified BellSouth via letter that it would be conducting an audit of BellSouth's 2005 Storm Costs.

2. On October 23, 2006, Staff notified BellSouth that Audit Control No. 06-255-1-1 was completed and provided BellSouth with the audit workpapers that Staff had utilized to report its audit findings. These documents were being maintained in a Temporary Confidential Status.

3. On or about November 13, 2006, BellSouth filed a Request for Specified Confidential Classification pursuant to Section 364.24 and Section 364.183, Florida Statutes, regarding BellSouth's responses, containing confidential and proprietary information, to various audit requests. BellSouth requested that the confidential and proprietary responses should be held exempt from the public disclosure requirements of Section 119.07, Florida Statutes.

4. On or about January 4, 2007, Denise N. Vandiver, Bureau Chief of Auditing for the Commission, forwarded correspondence to BellSouth indicating that the justifications for considering "WP 10-1.3" and "WP 10-5.2 through 10-5.16" confidential were deficient.

¹ As Staff did not dispute BellSouth's designation of the remainder of the documents in BellSouth's November 13, 2006 Request for Specified Confidential Classification as confidential, the instant pleading only amends the Request with regard to "WP 10-1.3" and "WP 10-5.2 through 10-5.16".

5. "WP 10-1.3" is a Summary Schedule of Storm Recovery Costs.
6. "WP 10-5.2 through 10-5.16" consists of BellSouth's policies and procedures for Exempt and Non-Exempt Employee Overtime.
7. With regard to "WP 10-1.3" and "WP 10-5.5 to 10-5.16", BellSouth withdraws its request for confidential classification.
8. BellSouth continues to believe that the information contained on "WP 10-5.3 and 10-5.4" is confidential and proprietary and respectfully disagrees with Ms. Vandiver that the justification for confidential classification is insufficient. BellSouth also contends that the information is maintained confidential by the company and is marked as follows:

PRIVATE/PROPRIETARY

Contains private and/or proprietary information. May not be used outside the BellSouth companies except pursuant to a written agreement.

9. Pursuant to Florida Statutes Section 364.183(3), "proprietary confidential business information" is defined as:

[i]nformation, 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 rate payers 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.

10. As the information contained in "WP 10-5.3 through 10-5.4" is private and the disclosure of which would cause harm to the company's business operations and has not been disclosed, it meets the definition of "proprietary confidential business information" contained in Florida Statutes Section 364.183(3).

11. If competitors were able to acquire the confidential information at issue, they could more easily develop strategies to lure employees away from BellSouth. This would afford

them an unfair advantage while severely jeopardizing the competitive position of the company whose confidential information is disclosed. In a competitive business, any knowledge obtained through a competitor can be used to the detriment of the entity to which it pertains, often in ways that cannot be fully anticipated. This unfair advantage skews the operation of the market, to the ultimate detriment of the telecommunications consumer. Accordingly, BellSouth respectfully requests that the Commission classify the identified information as confidential and enter an appropriate order protecting said information.

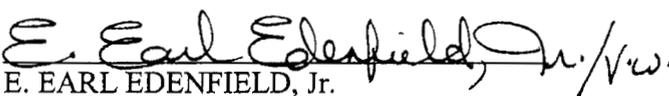
WHEREFORE, based on the foregoing, BellSouth respectfully requests that, pursuant to Section 364.183, Florida Statutes, the Commission enter an order declaring the information described above to be confidential, proprietary business information that is not subject to public disclosure.

Respectfully submitted this 18th day of January, 2007.

BELLSOUTH TELECOMMUNICATIONS, INC.



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