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# Public Service Commission

March 22, 2007

VIA FACSIMILE: 305-577-4491 & 850-222-8640

Mr. Manuel A. Gurdian  
Mr. James Meza III  
c/o Nancy H. Sims  
BellSouth Telecommunications, Inc, d/b/a AT&T Florida  
150 South Monroe Street, Suite 400  
Tallahassee, FL 32301

**Re: AT&T Florida's Request For Specified Confidential Classification in Docket No. 070126-TL** – Petition for relief from carrier-of-last-resort (COLR) obligations pursuant to Section 364.025(6)(d), F.S., for Villages of Avalon, Phase II, in Hernando County, by BellSouth Telecommunications, Inc. d/b/a AT&T Florida.

Dear Mr. Gurdian:

On March 12, 2007, AT&T Florida (AT&T) filed its Request For Specified Confidential Classification of the information contained in FPSC Document Number 02215-07. The documents subject to the request for confidential classification include copies of emails between AT&T Florida and legal counsel for Avalon Development, LLC (Avalon). The copies of emails were included as Exhibit "B" in AT&T's Petition for relief from its COLR obligations at the Villages of Avalon, Phase II, filed on February 23, 2007. The documents were made public on the Florida Public Service Commission's (FPSC's) website from February 26, 2007, until March 12, 2007. During that time period, the documents were not protected from public disclosure. It is unknown how many copies of the documents were downloaded and/or printed from the FPSC website. Hence, this information has already been made public.

Staff reviewed the information contained in Exhibit "B" and determined that the information does not meet the definition of "proprietary confidential business information" as described in Section 364.183(3), Florida Statutes (F.S.). Exhibit "B" contains email correspondence that refers to the names of communications services providers for the Villages of Avalon, Phase II, and the types of services that will be provided. Various information related to the names of the development's communications service providers and the services provided is posted on Connexion Technologies' website, William Ryan Homes, Inc.'s website, and included on the Easement granted to BellSouth Telecommunications, Inc. which is on file with the Hernando County Clerk's Office. Hence, the subject information is already available on the public internet and in the Hernando County Clerk's Office.

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Specifically, AT&T claims the information should be classified as confidential pursuant to Section 364.183(3)(e), F.S., which includes information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information. Staff believes the disclosure of the information would not impair Avalon's competitive business interests. The information pertains to the names of the communications service providers serving the Villages of Avalon, Phase II, and the types of services provided. Similar information is used by the development's residential home builders to market their homes.

Additionally, AT&T states that the information should be classified as confidential pursuant to Section 364.24, F.S., which prohibits the disclosure of customer account records by any telecommunications company. The emails do not contain information related to customer account records. The information contains a question from Avalon to AT&T related to the time of installation of service to the sales office. Staff believes that this question, standing alone, does not constitute information related to Avalon's customer account records.

Therefore, staff believes the identified information does not meet the requirements for confidential classification pursuant to Section 364.183, F.S, and Rule 25-22.006(5), Florida Administrative Code, and as such, the request is deficient and the information should not be treated as confidential. Should you believe otherwise, please provide a response by **April 6, 2007**, demonstrating a showing of good cause why the information should be treated as confidential. Please contact me should you have any questions regarding this matter.

Sincerely,



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