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COMMISSION CLERK

DATE: April 11, 2007
TO: Patrick K. Wiggins, Attorney Supervisor, Office of the General Counsel
FROM: Dale R. Buys, Regulatory Analyst II, Division of Competitive Markets & Enforcement
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. FPSC DN 02215-07

Handwritten initials: DAB, [Signature]

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 for its COLR obligations 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. It is unknown how many copies of the documents were downloaded or printed from the FPSC website. Hence, this information has been made public.

In its Request For Specified Confidential Classification, AT&T states that the information contained in Exhibit "B" of its Petition For COLR Relief is alleged to be "confidential" by Avalon. AT&T disagrees with Avalon that Exhibit "B" contains information that is confidential, however, in the spirit of cooperation, AT&T has agreed to seek a claim of confidentiality. AT&T claims that the information contained in Exhibit "B" relates to Avalon's competitive interests, the disclosure of which would impair Avalon's competitive business operations. AT&T also claims 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.

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), F.S. Exhibit "B" contains email correspondence that lists the communications service provider for the Villages of Avalon and the services provided. Information related to the names of the development's communications services provider and the services provided is posted on Connexion Technologies' website, William Ryan Homes, Inc.'s website, and included on the Easements granted to BellSouth Telecommunications, Inc. which is on file with the Hernando County Clerk's Office. Hence, the subject information is already

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available on the public internet and in the Hernando County Clerk's Office. In addition, staff believes the disclosure of the information would not harm Avalon's competitive business interests. The information lists only the names of the communications service providers serving the Villages of Avalon, and the services provided. The same information is used by the development's residential home builders to market their properties.

Additionally, AT&T Florida 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.

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), F.A.C., and as such, the information should not be treated as confidential.

As required by Administrative Procedures Manual 11.04C.5.c.(5), staff notified AT&T Florida via Deficiency Letter, dated March 22, 2007, that staff believes AT&T Florida's request for confidential treatment does not meet the requirements pursuant to Rule 25-22.006(5), F.A.C., and Section 367.183, F.S. Staff requested that AT&T Florida provide a response within 14 calendar days (by April 6, 2007) demonstrating why the information should otherwise be treated as confidential. A copy of the letter was also sent to Avalon Development, LLC. Neither party responded timely to staff's Deficiency Letter. Hence, according to APM 11.04C.5.c.(5), the General Counsel's office should now draft an order recommending denial of the request for confidential status.

cc: Brenda Merritt (CMP)
Ann Cole & Marguerite Lockard (CCA)
Pauline Evans (GCL)