

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for relief from carrier-of-last-resort (COLR) obligations pursuant to Florida Statutes 364.025(6)(d) for two private subdivisions in Nocatee development, by BellSouth Telecommunications, Inc.

DOCKET NO. 060822-TL  
ORDER NO. PSC-07-0939-CFO-TL  
ISSUED: November 27, 2007

ORDER GRANTING AT&T FLORIDA'S REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION OF DOCUMENT NOS. 05095-07 (x-ref DN 06004-07); 05739-07 (x-ref DN 06152-07); 05741-07 (x-ref DN 06147-07); 05838-07 (x-ref DN 06154-07); 05964-07 (x-ref DN 06271-07); and 06156-07 (x-ref DN 06243-07)

Pursuant to Rule 25-22.006 (3)(a), F.A.C., this order grants material in certain documents "specified confidential classification," thereby designating the material as "proprietary confidential business information" within the meaning of Section 364.183(3), Florida Statutes. This classification exempts the material from the disclosure requirements of Section 119.07(1), Florida Statutes.

During the course of this proceeding, BellSouth Telecommunications, Inc. d/b/a AT&T Florida (AT&T Florida) filed in this docket several documents that it claimed contained proprietary confidential business information. More specifically, AT&T Florida claimed that the documents included either "(t)rade secrets"<sup>1</sup> or "(i)nformation relating to competitive interests, the disclosure of which would impair the competitive business of (AT&T Florida),"<sup>2</sup> or both. These documents are identified in the table below and further described in their respective attachments, which are incorporated into and made part of the body this Order.

| <b>Table 1<br/>Attachments to Order</b> |                           |                       |
|---|---------------------------|-----------------------|
| <b>Document No.</b>                     | <b>X-Ref.Document No.</b> | <b>Attachment No.</b> |
| <b>05095-07</b>                         | <b>06004-07</b>           | <b>1</b>              |
| <b>05739-07</b>                         | <b>06152-07</b>           | <b>2</b>              |
| <b>05741-07</b>                         | <b>06147-07</b>           | <b>3</b>              |
| <b>05838-07</b>                         | <b>06154-07</b>           | <b>4</b>              |
| <b>05964-07</b>                         | <b>06271-07</b>           | <b>5</b>              |
| <b>06156-07</b>                         | <b>06243-07</b>           | <b>6</b>              |

<sup>1</sup> Section 364.183(3) (a), Florida Statutes.

<sup>2</sup> Section 364.183(3) (e), Florida Statutes.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Florida law presumes that documents submitted to governmental agencies are public records. The only exceptions to this presumption are the specific statutory exemptions provided in the law and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. The specific statutory exemption applicable here is found in Sections 364.183 (3) and (4), Florida Statutes, which we have implemented through Rule 25-22.006, Florida Administrative Code. Under these rules, it is the burden of the company to establish that the documents it seeks to protect are entitled to exemption from the disclosure requirements of the public records law.

As reflected in Attachments 1 – 6, we have reviewed the filings of AT&T Florida to confirm that information sought to be protected against disclosure does qualify for exemption. The information sought to be protected does appear to be proprietary confidential business information within the meaning of Section 364.183, Florida Statutes and Rule 25-22.006, Florida Administrative Code. For this reason each Request for Specified Confidential Classification for the documents identified above is hereby individually granted.

Based on the foregoing, it is


ORDERED by Commissioner Matthew M. Carter II, as Presiding Officer, that AT&T Florida's Request for Confidential Classification is hereby granted for the following documents: DN 05095-07 (x-ref DN 06004-07); DN 05739-07 (x-ref DN 06152-07); DN 05741-07 (x-ref DN 06147-07); 05838-07 (x-ref DN 06154-07); DN 05964-07(x-ref DN 06271-07); and DN 06156-07 (x-ref DN 06243-07). It is further

ORDERED that the findings in the body of this Order are affirmed in every respect. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 364.183, Florida Statutes. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Commissioner Matthew M. Carter II, as Prehearing Officer, this 27th  
day of November, 2007.



MATTHEW M. CARTER II  
Commissioner and Prehearing Officer

( S E A L )

PKW

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

ATTACHMENT 1

| <b>Review of Request for Specified Confidential Classification</b> |   |                           |               |
|--|---|---------------------------|---------------|
| <b>Docket No.</b>  | 060822-TL- Petition for relief from carrier-of-last-resort (COLR) obligations pursuant to Florida Statutes 364.025(6)(d) for two private subdivisions in Nocatee development, by BellSouth Telecommunications, Inc.   |                           |               |
| <b>Company</b>   | BellSouth Telecommunications, Inc. d/b/a AT&T Florida   |                           |               |
| <b>Document No.</b>  | 05095-07  | <b>Doc. Cross Ref.</b>    | 06004-07      |
| <b>Date Notice of Intent filed</b>                                 | June 26, 2007   | <b>Date Request Filed</b> | July 17, 2007 |
| <b>Identification</b>  | AT&T Florida's response to Staff's First Set of Interrogatories (No. 18) and Attachments responding to Staff's First Request for Production of Documents (Nos. 3, 4 5, 6, 7, 13, 14, 16, and 17).   |                           |               |
| <b>Justification</b>   | Contains AT&T Florida's financial analysis and cost projections related to the provision of service to two subdivisions within its service territory. The financial information includes AT&T Florida's costs for deployment of its network; its net present value calculations and cumulative cash flow analysis; its revenue and line counts of customers who have bundles and/or features; its average revenue per customer; and detailed budget, accounting, and strategic information for the company. The information also includes trade secrets related to internal network methods and procedures, network design standards, and guidelines for the installation of certain network elements |                           |               |
| <b>Concur?</b>   | <b>Yes.</b> The identified information meets the requirements for confidential classification pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006(5), F.A.C.  |                           |               |
| <b>Grant Specified Confidential Classification?</b>                | <b>Yes.</b>   |                           |               |

ATTACHMENT 2

| <b>Review of Request for Specified Confidential Information</b> |   |                    |                 |
|---|---|--------------------|-----------------|
| Docket No.  | Docket No. 060822-TL - Petition for relief from carrier-of-last-resort (COLR) obligations pursuant to Florida Statutes 364.025(6)(d) for two private subdivisions in Nocatee development, by BellSouth Telecommunications, Inc.   |                    |                 |
| Company   | BellSouth Telecommunications, Inc. d/b/a AT&T Florida   |                    |                 |
| Document No.  | <b>05739-07</b>   | Doc. Cross Ref.    | <b>06152-07</b> |
| Date Notice of Intent filed                                     | July 9, 2007  | Date Request filed | July 19, 2007   |
| Identification  | AT&T Florida's Amended response to Staff's First Data Request (No. BS-1, No. 7).  |                    |                 |
| Justification   | Contains confidential business information related to competitive interests utilized by AT&T Florida to conduct its business and has not been disclosed to the public. AT&T Florida claims that public disclosure of this information would cause harm to AT&T Florida. The information subject to the request for confidential classification contains AT&T Florida's financial analysis and cost projections related to the provision of service to two subdivisions within its service territory. The information pertains to AT&T Florida's estimated costs for deployment of its network to the two subdivisions that are subject to its petition and AT&T Florida's net present value calculations and cumulative cash flow analysis. |                    |                 |
| Concur?   | <b>Yes.</b> The identified information meets the requirements for confidential classification pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006(5), F.A.C.  |                    |                 |
| Grant Specified Confidential Classification?                    | <b>Yes.</b>   |                    |                 |

ATTACHMENT 3

| <b>Review of Request for Specified Confidential Classification</b> |   |                    |                 |
|--|---|--------------------|-----------------|
| Docket No.   | 060822-TL- Petition for relief from carrier-of-last-resort (COLR) obligations pursuant to Florida Statutes 364.025(6)(d) for two private subdivisions in Nocatee development, by BellSouth Telecommunications, Inc.   |                    |                 |
| Company  | BellSouth Telecommunications, Inc. d/b/a AT&T Florida   |                    |                 |
| Document No.   | <b>05741-07</b>   | Doc. Cross Ref.    | <b>06147-07</b> |
| Date Notice filed  | July 9, 2007  | Date Request Filed | July 19, 2007   |
| Identification   | AT&T Florida's Response to Staff's Second Set of Interrogatories (No. 31) and <i>Supplemental</i> Staff's Second Set of Interrogatories (No. 31).   |                    |                 |
| Justification  | The information subject to the request for confidential classification pertains to AT&T Florida's net present value and cumulative cash flow analysis related to the revenues generated from the provision of service to two subdivisions within the company's service territory. It thus contains confidential business information related to competitive interests used by AT&T Florida to conduct its business. AT&T Florida claims that this information has not been disclosed to the public and that public disclosure of this information would impair its competitive business and cause harm to AT&T Florida. |                    |                 |
| Concur?  | <b>Yes.</b> The identified information meets the requirements for confidential classification pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006(5), F.A.C.  |                    |                 |
| Grant Specified Confidential Classification?                       | <b>Yes.</b>   |                    |                 |

## ATTACHMENT 4

| <b>Review of Request for Specified Confidential Classification</b> |   |                     |                 |
|--|---|---------------------|-----------------|
| Docket No.   | 060822-TL- Petition for relief from carrier-of-last-resort (COLR) obligations pursuant to Florida Statutes 364.025(6)(d) for two private subdivisions in Nocatee development, by BellSouth Telecommunications, Inc.   |                     |                 |
| Company  | BellSouth Telecommunications, Inc. d/b/a AT&T Florida   |                     |                 |
| Document No.   | <b>05838-07</b>   | Doc. Cross Ref. No. | <b>06154-07</b> |
| Date Notice filed  | July 11, 2007   | Date Request Filed  | July 19, 2007   |
| Identification   | AT&T Florida's <i>Supplemental</i> Response to Staff's Second Request for Production of Documents (Nos. 19 & 23)  |                     |                 |
| Justification  | Contains confidential business information related to competitive interests utilized by AT&T Florida to conduct its business and has not been disclosed to the public. AT&T Florida claims that the information is valuable, it is used by AT&T Florida in conducting its business, and AT&T Florida strives to keep it secret. The information subject to the request for confidential classification includes internal network methods and procedures, network design standards and guidelines, and job aids. AT&T Florida considers this information to be a trade secret, and as such, should be classified as proprietary. |                     |                 |
| Concur?  | <b>Yes.</b> The identified information meets the requirements for confidential classification pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006(5), F.A.C.  |                     |                 |
| Grant Specified Confidential Classification?                       | <b>Yes.</b>   |                     |                 |

ATTACHMENT 5

| <b>Review of Request for Specified Confidential Classification</b> |   |                     |                 |
|--|---|---------------------|-----------------|
| Docket No.   | 060822-TL- Petition for relief from carrier-of-last-resort (COLR) obligations pursuant to Florida Statutes 364.025(6)(d) for two private subdivisions in Nocatee development, by BellSouth Telecommunications, Inc.   |                     |                 |
| Company  | BellSouth Telecommunications, Inc. d/b/a AT&T Florida   |                     |                 |
| Document No.   | <b>05964-07</b>   | Doc. Cross Ref. No. | <b>06271-07</b> |
| Date Notice filed  | July 16, 2007   | Date Request Filed  | July 23, 2007   |
| Identification   | AT&T Florida's Responses to Nocatee's First Set of Interrogatories (No. 3) and Second Request for Production of Documents (Nos. 3 & 4).   |                     |                 |
| Justification  | Contains confidential business information and trade secrets related to competitive interests utilized by AT&T Florida to conduct its business and has not been disclosed to the public. AT&T Florida claims that public disclosure of this information would impair its competitive business interests and cause harm to AT&T Florida. The information subject to the request for confidential classification includes (1) internal network methods and procedures, network design standards and guidelines, and job aids involved in deploying its networks, (2) estimated costs for network deployment in the subject project and AT&T Florida's Network Cost Design jobs that relate to how AT&T Florida determines the cost, (3) the specific addresses of its customers in a development to which AT&T Florida provides service and the types of services provided, and (4) detailed budget, accounting, financial, and strategic information for AT&T Florida related to its provision of service and deployment of its network. |                     |                 |
| Concur?  | <b>Yes.</b> The identified information meets the requirements for confidential classification pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006(5), F.A.C.  |                     |                 |
| Grant Specified Confidential Classification?                       | <b>Yes.</b>   |                     |                 |



ATTACHMENT 6

| <b>Review of Request for Specified Confidential Classification</b> |   |                     |               |
|--|---|---------------------|---------------|
| Docket No.   | 060822-TL- Petition for relief from carrier-of-last-resort (COLR) obligations pursuant to Florida Statutes 364.025(6)(d) for two private subdivisions in Nocatee development, by BellSouth Telecommunications, Inc.   |                     |               |
| Company  | BellSouth Telecommunications, Inc. d/b/a AT&T Florida   |                     |               |
| Document No.   | 06156-07  | Doc. Cross Ref. No. | 06243-07      |
| Date Notice filed  | July 19, 2007   | Date Request Filed  | July 20, 2007 |
| Identification   | AT&T Florida's <i>Supplemental</i> Response to Nocatee's Second Request for Production of Documents (No. 4)   |                     |               |
| Justification  | Contains confidential business information related to the competitive interests of AT&T Florida that is proprietary to AT&T Florida and has not been disclosed to the public. AT&T Florida claims that public disclosure of this information would impair its competitive business interests and cause harm to AT&T Florida. The information subject to the request for confidential classification relates to AT&T Florida's estimated costs for network deployment and contains AT&T Florida's Network Cost Design jobs that provide information related to how AT&T Florida determines the cost of projects. |                     |               |
| Concur?  | <b>Yes.</b> The identified information meets the requirements for confidential classification pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006(5), F.A.C.  |                     |               |
| Grant Specified Confidential Classification?                       | <b>Yes.</b>   |                     |               |