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Sent: Tuesday, December 23, 2008 1:32 PM
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Subject: Docket No. 000121A-TP
Attachments: Obj to blanket Confidential Classification request 12.23.08.pdf

In accordance with the electronic filing procedures of the Florida Public Service Commission, the following filing is made:

- a. The name, address, telephone number and email for the person responsible for the filing is:

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b. This filing is made in Docket No. 000121A-TP, In re: Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies (BellSouth Track).

c. The document is filed on behalf of Cbeyond Communications, LLC, and Deltacom, Inc.

d. The total pages in the document are 4 pages.

e. The attached document is Objection to AT&T's Request for Confidential Classification of Entire Staff Audit and All Related Materials.

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OPC _____
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DOCUMENT NUMBER DATE

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12/23/2008

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the)
establishment of operations)
support systems permanent)
Performance measures for)
incumbent local exchange)
telecommunications companies.)
(BellSouth Track))
_____)

Docket No. 000121A-TP

Filed: December 23, 2008

**OBJECTION TO AT&T'S REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF ENTIRE STAFF AUDIT AND ALL RELATED MATERIALS**

Cbeyond Communications, LLC and Deltacom, Inc. (Petitioners), pursuant to rule 25-22.006(3)(b), Florida Administrative Code, hereby file this Objection to AT&T's request for confidential classification of the entire draft Staff audit, all audit work papers, and all documents provided in connection with the Staff audit. As grounds therefore, Petitioners state:

1. Subsequent to the filing of the Complaint in this docket, Petitioners and AT&T agreed that, in lieu of the independent audit Petitioners requested in their Complaint, Commission Staff would conduct an audit regarding AT&T's April OSS Release.

2. The Stipulation among the Parties was memorialized in Agreement Regarding Audit of AT&T Florida's April OSS Release (Agreement). It was approved by the Commission in Order Approving Stipulation on September 23, 2008.

3. The Staff provided its draft audit to AT&T on November 26, 2008.

4. On December 16, 2008, AT&T filed a letter with the Commission claiming confidentiality as to "the Commission's Staff's April OSS Release audit report, all audit work papers, and all documents provided to Staff in connection with the audit report."¹ AT&T also claimed that "the entire Draft Report including all audit work paper [sic] and documents

¹ Letter from Tracy Hatch to Ann Cole at 1, December 16, 2008.

provided in response to Staff's Data Requests to be proprietary confidential business information."²

5. Petitioners contend that it is inappropriate and violative of Chapter 119, Florida Statutes, to make a blanket request for confidential classification without specifically substantiating that request.

6. Petitioners understand that AT&T intends to file a more detailed request for confidential classification; however, Petitioners, obviously have not yet seen such a request. Therefore, in an abundance of caution, they lodge this objection to AT&T's request to keep the entire draft audit report and all materials related thereto confidential.

/s Vicki Gordon Kaufman

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² *Id.* at 2.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

Electronic Mail and U.S. Mail this 23rd day of December, 2008, to the following:

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