

State of Florida



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Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

COMMISSION
CLERK

-M-E-M-O-R-A-N-D-U-M-

DATE: November 17, 2009

TO: Adam Teitzman, Attorney Supervisor, Office of the General Counsel
Charles Murphy, Senior Attorney, Office of the General Counsel

FROM: *Frank*
Frank Trueblood, Regulatory Analyst, Division of Regulatory Analysis

RE: AT&T Florida's Request for Confidential Classification in Docket No. 080631-TP: Petition for Commission to intervene, investigate, and mediate dispute between DSLI and AT&T Florida

On October 28, 2009, AT&T Florida filed its request pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, for confidential classification and treatment of the information contained in FPSC Document Number 10372-09 and 10943-09, which consists of Exhibits CAC-2 and CAC-4 that were attached to witness Cindy Clark's direct testimony. AT&T claims that the information contained in the documents are proprietary for the following reasons:

The information contained in testimony Exhibit CAC-2 and CAC-4 includes information that, upon information and belief, is considered confidential proprietary business information to DSLI. The information discussed in the Request for Confidential Classification is, upon information and belief, valuable to DSLI, it treats this information as confidential, this information has not been generally disclosed to the public, and it strives to keep the information secret. Consequently, AT&T believes this information should be classified as proprietary, confidential business information pursuant to Section 364.183(3)(e), Florida Statutes and exempt from public disclosure requirements of Section 119.07, Florida Statutes.

Upon review of the information contained in the documents referenced above, technical staff concurs with AT&T Florida that the information meets the requirements for confidential classification pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006(5), Florida Administrative Code, and the information should be treated as confidential.

cc: Brenda Merritt, Statistician II, Division of Regulatory Analysis
 Kim Pena, Records Management Assistant, Office of Commission Clerk

COM _____
 APA _____
 ECR _____
 GCL _____
 RAD _____
 SSC _____
 ADM _____
 OPC _____
 CLK K. Pena

DOCUMENT NUMBER-DATE
 11379 NOV 17 8

FPSC-COMMISSION CLERK



Manuel A. Gurdian
Attorney

AT&T Florida
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Suite 400
Tallahassee, FL

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REDACTED

RECEIVED - FPSC
09 OCT 28 PM 4:33
COMMISSION
CLERK

October 28, 2009

Ms. Ann Cole
Office of the Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 080631-TP: Petition for Commission to intervene, investigate and mediate dispute between DSL Internet Corporation d/b/a DSLi and BellSouth Telecommunications, Inc.

Dear Ms. Cole:

Enclosed is an original and 15 copies of BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Request for Specified Confidential Classification for Exhibit Nos. CAC-2 and CAC-4 to the Direct Testimony of Cindy Clark, which we ask that you file in the captioned docket.

Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

Manuel A. Gurdian

| | | | |
|-----|---|-----|------------------------|
| COM | 5 | cc: | All parties of record |
| ECR | | | Gregory R. Follensbee |
| GCL | I | | Jerry D. Hendrix |
| OPC | | | E. Earl Edenfield, Jr. |
| RCP | | | |
| SSC | | | |
| SGA | | | |
| ADM | | | |
| CLK | I | | |

(x-ref. 10372-09)

This confidentiality request was filed by or for a "telco" for DN ~~10943-09~~. No ruling is required unless the material is subject to a request per 119.07, FS, or is admitted in the record per Rule 25-22.006(8)(b), FAC.

DOCUMENT NUMBER-DATE

10942 OCT 28 8

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USA Proud Sponsor of the U.S. Olympic Team

DOCUMENT NUMBER-DATE

11379 NOV 17 8

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CERTIFICATE OF SERVICE
Docket No. 080631-TP

I HEREBY CERTIFY that a true and correct copy was served via Electronic Mail
and First Class U. S. Mail this 28th day of October, 2009 to the following:

Florida Public Service Commission
Charles Murphy, Staff Counsel
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
Tel. No. (850) 413-6098
cmurphy@psc.state.fl.us

Eduardo Maldonado
Vice President - Operations
DSL Internet Corporation
815 NW 57th Avenue
Suite 300
Miami, Florida 33126
Tel. No. (305) 779-5752
Fax. No. (305) 779-4329
emaldonado@dsl.net

Mark E. Buechele
Attorney at Law
P.O. Box 398555
Miami Beach, Florida 33239-8555
markbuechele@msn.com



Manuel A. Gurdian

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for Commission to intervene,) Docket No. 080631-TP
investigate and mediate dispute between)
DSL Internet Corporation d/b/a DSLI and)
BellSouth Telecommunications, Inc.)
_____) Filed: October 28, 2009

AT&T FLORIDA'S REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION

BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida"), pursuant to Rule 25-22.006, Florida Administrative Code, files its Request for Specified Confidential Classification.

1. On October 7, 2009, AT&T Florida filed the Direct Testimony of P.L. (Scot) Ferguson and Cindy Clark in the captioned docket, along with a Notice of Intent to Request Specified Confidential Classification.

2. Exhibit Nos. CAC-2 (produced on CD only) and CAC-4 to Cindy Clark's Direct Testimony contains information that, upon information and belief, is considered confidential business information to DSL Internet Corporation d/b/a DSLI ("DSLi"). AT&T hereby files this Request for Specified Confidential Classification because the information contained in above-listed material contains information that is, upon information and belief, deemed proprietary by DSLi. A more specific description of this information is contained in Attachment A.

3. The information discussed in Request for Specified Confidential Classification is, upon information and belief, valuable to DSLi and it strives to keep the information secret. Therefore, such information should be classified as confidential business information pursuant to Section 364.183, *Florida Statutes*. Accordingly, it should be held exempt from the public disclosure requirements of Section 119.07, *Florida Statutes*.

DOCUMENT NUMBER DATE

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FPSC-COMMISSION CLERK

4. Attachment A to AT&T's Request for Confidential Classification contains an explanation of the proprietary information along with a list that identifies the location of the information designated as confidential.

5. Attachment B to AT&T's Request for Confidential Classification is two redacted copies of the documents.

6. Attachment C to AT&T's Request for Confidential Classification is a highlighted copy of the document containing the confidential information.

7. The information discussed in this Request for Specified Confidential Classification is, upon information and belief, valuable to DSLi, it treats this information as confidential and this information has not been generally disclosed.

8. The original of this Request was filed today with the Division of the Commission Clerk and Administrative Services and a copy was served on the Parties.

WHEREFORE, based on the foregoing, AT&T Florida 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 28th day of October, 2009.

AT&T FLORIDA



E. Earl Edenfield, Jr.
Tracy W. Hatch
Manuel A. Gurdian
c/o Gregory R. Follensbee
150 South Monroe Street
Suite 400
Tallahassee, Florida 32301
(305) 347-5558

745935

ATTACHMENT A

**AT&T Florida
Florida Public Service Commission
Docket No. 0080631-TP
Request for Confidential Classification
Page 1 of 1
10/28/09**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF AT&T FLORIDA'S
EXHIBIT NOS. CAC-2 AND CAC-4 TO THE
DIRECT TESTIMONY OF CINDY CLARK**

Explanation of Proprietary Information

1. The attached information, upon information and belief, contains DSLi's confidential business information. AT&T Florida treats this information as confidential information and protects it from disclosure. Therefore, this information constitutes, upon information and belief, proprietary confidential business information to DSLi pursuant to Section 364.183, Florida Statutes.

| <u>LOCATION</u> | <u>REASON</u> |
|--|---------------|
| <u>Exhibit CAC-2</u> CD (entire disk) | 1 |
| <u>Exhibit CAC-4</u> Page 1, Line 3 | 1 |
| Page 1, Column B, Lines 8 thru 24 | 1 |
| Page 1, Column G, Lines 8 thru 23 and 25 | 1 |
| Page 1, Column H, Lines 8 thru 23 | 1 |

ATTACHMENT B

**AT&T Florida
Florida Public Service Commission
Docket No. 080631-TP
Request for Confidential Classification
10/28/09**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF AT&T FLORIDA'S
EXHIBIT NOS. CAC-2 AND CAC-4 TO THE
DIRECT TESTIMONY OF CINDY CLARK**

TWO REDACTED COPIES FOR PUBLIC DISCLOSURE

Exhibit CAC-2
PROPRIETARY & CONFIDENTIAL
(Produced on CD only)

**Exhibit CAC-4
REDACTED**

REDACTED

- 1 Late Payment Charges Calculation
- 2 ACNA : DLJ
- 3 BAN: [REDACTED]
- 4 Due date is 6/28/2009, 30 days after bill date
- 5 Late Payment Charges are calculated as of 09/28/2009.
- 6 Late factor = .00329 per day

| | A | Principal Amount/Beginning | LPC From Date | LPC To Date | Days Outstanding | Late Factor | Late Payment Charge per month | Beginning Balance plus Late Payment |
|---------------|------------|----------------------------|---------------|-------------|------------------|-------------|-------------------------------|-------------------------------------|
| Bill Dates | B | C | D | E | F | G | H | |
| 7 5/28/2008 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | |
| 8 6/28/2008 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | |
| 9 7/28/2008 | [REDACTED] | 6/28/2008 | 7/27/2008 | 29 | 0.000329 | [REDACTED] | [REDACTED] | |
| 10 8/28/2008 | [REDACTED] | 7/28/2008 | 8/27/2008 | 30 | 0.000329 | [REDACTED] | [REDACTED] | |
| 11 9/28/2008 | [REDACTED] | 8/28/2008 | 9/27/2008 | 30 | 0.000329 | [REDACTED] | [REDACTED] | |
| 12 10/28/2008 | [REDACTED] | 9/28/2008 | 10/27/2008 | 29 | 0.000329 | [REDACTED] | [REDACTED] | |
| 13 11/28/2008 | [REDACTED] | 10/28/2008 | 11/27/2008 | 30 | 0.000329 | [REDACTED] | [REDACTED] | |
| 14 12/28/2008 | [REDACTED] | 11/28/2008 | 12/27/2008 | 29 | 0.000329 | [REDACTED] | [REDACTED] | |
| 15 1/28/2009 | [REDACTED] | 12/28/2008 | 1/27/2009 | 30 | 0.000329 | [REDACTED] | [REDACTED] | |
| 16 2/28/2009 | [REDACTED] | 1/28/2009 | 2/27/2009 | 30 | 0.000329 | [REDACTED] | [REDACTED] | |
| 17 3/28/2009 | [REDACTED] | 2/28/2009 | 3/27/2009 | 27 | 0.000329 | [REDACTED] | [REDACTED] | |
| 18 4/28/2009 | [REDACTED] | 3/28/2009 | 4/27/2009 | 30 | 0.000329 | [REDACTED] | [REDACTED] | |
| 19 5/28/2009 | [REDACTED] | 4/28/2009 | 5/27/2009 | 29 | 0.000329 | [REDACTED] | [REDACTED] | |
| 20 6/28/2009 | [REDACTED] | 5/28/2009 | 6/27/2009 | 30 | 0.000329 | [REDACTED] | [REDACTED] | |
| 21 7/28/2009 | [REDACTED] | 6/28/2009 | 7/27/2009 | 29 | 0.000329 | [REDACTED] | [REDACTED] | |
| 22 8/28/2009 | [REDACTED] | 7/28/2009 | 8/27/2009 | 30 | 0.000329 | [REDACTED] | [REDACTED] | |
| 23 9/28/2009 | [REDACTED] | 8/28/2009 | 9/27/2009 | 30 | 0.000329 | [REDACTED] | [REDACTED] | |
| 24 10/28/2009 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | |
| 25 | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | |

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 except under written agreement

REDACTED

- 1 Late Payment Charges Calculation
- 2 ACNA : DLJ
- 3 BAN: [REDACTED]
- 4 Due date is 6/28/2009, 30 days after bill date
- 5 Late Payment Charges are calculated as of 09/28/2009.
- 6 Late factor = .00329 per day

| | A | Principal Amount/Beginning | LPC From Date | LPC To Date | Days Outstanding | Late Factor | Late Payment Charge per month | Beginning Balance plus Late Payment |
|----|------------|----------------------------|---------------|-------------|------------------|-------------|-------------------------------|-------------------------------------|
| 7 | 5/28/2008 | [REDACTED] | | | | | | |
| 8 | 6/28/2008 | [REDACTED] | | | | | | |
| 9 | 7/28/2008 | [REDACTED] | 6/28/2008 | 7/27/2008 | 29 | 0.000329 | [REDACTED] | [REDACTED] |
| 10 | 8/28/2008 | [REDACTED] | 7/28/2008 | 8/27/2008 | 30 | 0.000329 | [REDACTED] | [REDACTED] |
| 11 | 9/28/2008 | [REDACTED] | 8/28/2008 | 9/27/2008 | 30 | 0.000329 | [REDACTED] | [REDACTED] |
| 12 | 10/28/2008 | [REDACTED] | 9/28/2008 | 10/27/2008 | 29 | 0.000329 | [REDACTED] | [REDACTED] |
| 13 | 11/28/2008 | [REDACTED] | 10/28/2008 | 11/27/2008 | 30 | 0.000329 | [REDACTED] | [REDACTED] |
| 14 | 12/28/2008 | [REDACTED] | 11/28/2008 | 12/27/2008 | 29 | 0.000329 | [REDACTED] | [REDACTED] |
| 15 | 1/28/2009 | [REDACTED] | 12/28/2008 | 1/27/2009 | 30 | 0.000329 | [REDACTED] | [REDACTED] |
| 16 | 2/28/2009 | [REDACTED] | 1/28/2009 | 2/27/2009 | 30 | 0.000329 | [REDACTED] | [REDACTED] |
| 17 | 3/28/2009 | [REDACTED] | 2/28/2009 | 3/27/2009 | 27 | 0.000329 | [REDACTED] | [REDACTED] |
| 18 | 4/28/2009 | [REDACTED] | 3/28/2009 | 4/27/2009 | 30 | 0.000329 | [REDACTED] | [REDACTED] |
| 19 | 5/28/2009 | [REDACTED] | 4/28/2009 | 5/27/2009 | 29 | 0.000329 | [REDACTED] | [REDACTED] |
| 20 | 6/28/2009 | [REDACTED] | 5/28/2009 | 6/27/2009 | 30 | 0.000329 | [REDACTED] | [REDACTED] |
| 21 | 7/28/2009 | [REDACTED] | 6/28/2009 | 7/27/2009 | 29 | 0.000329 | [REDACTED] | [REDACTED] |
| 22 | 8/28/2009 | [REDACTED] | 7/28/2009 | 8/27/2009 | 30 | 0.000329 | [REDACTED] | [REDACTED] |
| 23 | 9/28/2009 | [REDACTED] | 8/28/2009 | 9/27/2009 | 30 | 0.000329 | [REDACTED] | [REDACTED] |
| 24 | 10/28/2009 | [REDACTED] | | | | | [REDACTED] | [REDACTED] |
| 25 | | | | | | | | |

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ATTACHMENT C

**AT&T
Florida Public Service Commission
Docket No. 080631-TP
Request for Confidential Classification
10/28/09**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF AT&T FLORIDA'S
EXHIBIT NOS. CAC-2 AND CAC-4 TO THE
DIRECT TESTIMONY OF CINDY CLARK**

ONE HIGHLIGHTED COPY

Exhibit CAC-2
PROPRIETARY & CONFIDENTIAL
(Produced on CD only)

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
NANCY ARGENZIANO
NATHAN A. SKOP
DAVID E. KLEMENT

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

Public Service Commission

ACKNOWLEDGEMENT

DATE: October 28, 2009

TO: Manuel Gurdian, At&T

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket Number 080631 or, if filed in an undocketed matter, concerning direct testimony of P.L. Ferguson and Cindy Clark, and filed on behalf of At&T. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.

DOCUMENT NUMBER-DATE
10943 OCT 28 09
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