

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for emergency relief and complaint of American Dial Tone, Inc. against BellSouth Telecommunications, Inc. d/b/a AT&T Florida to resolve interconnection agreement dispute.

DOCKET NO. 100432-TP
ORDER NO. PSC-11-0109-CFO-TP
ISSUED: February 8, 2011

ORDER GRANTING AT&T FLORIDA'S REQUEST FOR SPECIFIED
CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO. 09729-10
(CROSS REFERENCE DOCUMENT NO. 09990-10)

On December 2, 2010, BellSouth Telecommunications, Inc. d/b/a AT&T Florida (AT&T) filed Exhibit A of the Memorandum of Understanding between American Dial Tone, Inc. f/k/a Ganoco, Inc. ("ADT") and AT&T (the "MOU") (Document No. 09729-10). Concurrently, pursuant to Section 364.183, Florida Statutes ("F.S.") and Rule 25-22.006, Florida Administrative Code ("F.A.C."), AT&T filed a Notice of Intent to Request Confidential Classification of Exhibit A of the MOU. On December 16, 2010, AT&T filed a Request for Specified Confidential Classification for the entirety of the information contained in Exhibit A of the MOU; as required by Rule 25-22.006(4)(a), F.A.C., AT&T attached an un-redacted copy of Exhibit A, which was assigned Document No. 09990-10.

In its Request for Confidential Classification, AT&T states that Exhibit A consists of confidential business information related to the competitive interests of ADT that is proprietary to ADT. AT&T also states that Section 364.183(3)(e), F.S. provides that "proprietary confidential business information" includes "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information." AT&T specifically avers the information contained in Exhibit A of the MOU is information relating to a list of telephone numbers that ADT represents are all of the LifeConnex end users who were being served by AT&T Florida wholesale residential lines purchased by ADT from AT&T Florida. AT&T states this information is not publicly available; it is valuable to ADT; and that ADT strives to keep this information secret. AT&T therefore concludes that this information should be classified as proprietary, confidential business information pursuant to Section 364.183(3)(e), F.S.; is exempt from the Open Records Act; and should be granted confidential classification.

Florida law presumes that documents submitted to governmental agencies shall be 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. This presumption is based on the concept that government should operate in the "sunshine." Rule 25-22.006(4)(c), F.A.C., provides that it is the Company's burden to demonstrate that documents fall into one of the statutory examples set out in Section 364.183, F.S., or to demonstrate that the information is proprietary confidential information, the disclosure of which will cause the Company or its ratepayers harm.

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Section 364.183(3), Florida Statutes, in pertinent part, provides:

The term "proprietary confidential business information" means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public.

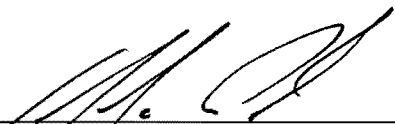
Based on the definition of proprietary confidential business information in Section 364.183(3), F.S., it appears that the material described herein is proprietary confidential business information in accordance with Section 364.183, F.S., and Rule 25-22.006, F.A.C. Disclosure of this information could cause competitive harm to ADT and provide competitors with an unfair advantage. As such, AT&T's Request for Specified Confidential Classification regarding the information contained Exhibit A to the MOU (Document No. 09729-10; Cross-Reference Document No. 09990-10) is hereby granted.

Based on the foregoing, it is

ORDERED by Commissioner Eduardo Balbis, as Prehearing Officer, that AT&T Florida's Request for Specified Confidential Classification for the entirety of the information contained in Exhibit A to the MOU between ADT and AT&T, contained in Document No. 09729-10 (Cross-Reference Document No. 09990-10), is hereby granted. It is further

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

By ORDER of Commissioner Eduardo Balbis, as Prehearing Officer, this 8th day of February, 2011.



EDUARDO BALBIS
Commissioner and Prehearing Officer

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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 25-22.0376, 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.