

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Notice of adoption of existing interconnection, unbundling, resale, and collocation agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast and Image Access, Inc. d/b/a NewPhone, Inc. by Express Phone Service, Inc.

DOCKET NO. 110087-TP  
ORDER NO. PSC-13-0485-CFO-TP  
ISSUED: October 15, 2013

ORDER GRANTING AT&T FLORIDA'S REQUEST FOR EXTENSION OF  
CONFIDENTIAL CLASSIFICATION OF DOCUMENT NOS. 01867-12 (X-REF 02296-12),  
02847-12, 02848-12 (X-REF 01233-12) AND DENYING EXTENSION OF CONFIDENTIAL  
CLASSIFICATION OF DOCUMENT NOS. 00998-12, 01297-12 (X-REF 00842-12), 01319-12  
(X-REF 00863-12)

Order Nos. PSC-12-0213-CFO-TP, PSC-12-0214-CFO-TP, PSC-12-0215-CFO-TP, PSC-12-0216-CFO-TP, issued on April 23, 2012, granted BellSouth Telecommunications, LLC d/b/a AT&T Florida (AT&T Florida) confidential classification for Document Nos. 01297-12 (x-ref 00842-12), 01867-12 (x-ref 02296-12), 00998-12, 01319-12 (x-ref 00863-12). On May 3, 2012, an administrative hearing was held in the instant docket. The information granted confidentiality by the above-referenced orders was entered into the hearing record and assigned Document Nos. 02848-12 (x-ref 01233-12) (hearing exhibits Nos. 21 and 36), 02847-12 (hearing exhibit No. 44) and 02296-12 (Hearing No. 26).

On July 30, 2012, the Commission returned Document Nos. 00998-12, 01319-12 (x-ref 00863-12), 01297-12 (x-ref 00842-12) to AT&T Florida. The Commission retains Document Nos. 02296-12, 02847-12, 02848-12 on file for the ongoing appeal of Order No. PSC-12-0390-FOF-TP before the US District Court, Northern District of Florida, Gainesville Division, Case No. 1:12-cv-00197-MP-GRJ. On October 8, 2013, AT&T Florida requested that the period of time for confidential treatment be extended for the information granted confidential classification in Order Nos. PSC-12-0213-CFO-TP, PSC-12-0214-CFO-TP, PSC-12-0215-CFO-TP, PSC-12-0216-CFO-TP.

AT&T Florida asserts that the confidential information in the documents is intended to be proprietary, is treated as proprietary, and has not been publicly disclosed. AT&T Florida requests that the Commission grant confidential classification for the documents for a period of 18 months from the date of the issuance of this Order, pursuant to Section 364.183(3), F.S.

Section 364.183(3), Florida Statutes (F.S.), provides that records that the Commission has found to contain proprietary confidential business information shall be kept confidential and shall be exempt from Chapter 119, F.S. Section 364.183(3), F.S., defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's

ratepayers or business operations, and that has not been voluntarily disclosed to the public. Section 364.183(3), F.S., provides in pertinent part that proprietary confidential business information includes:

- (a) Trade Secrets.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

AT&T asserts that the confidential information consists of confidential business information that is proprietary to AT&T Florida and related to its competitive interests and billing records that contain customer specific information. AT&T Florida further asserts that the information for which it seeks continued confidential status consists of personal employee information, unrelated to compensation, duties, qualifications, or responsibilities and includes information relating to carrier information that is proprietary to Express Phone. AT&T Florida contends that the information for which it is requesting renewal of confidential classification is entitled to that information should be classified as proprietary, confidential business information and pursuant to Section 364.183(3)(a),(e) and (f), F.S.; is exempt from the Open Records Act; and should be granted confidential classification. AT&T Florida claims that nothing has changed since the Commission issued its prior confidentiality orders. The information is still of current value, and it has not been made public. AT&T Florida requests confidential classification for the information contained in Document Nos. 01297-12 (x-ref 00842-12), 01867-12 (x-ref 02296-12), 00998-12, 01319-12 (x-ref 00863-12), 02847-12 and 02848-12 (x-ref 01233-12).

Because Document No. 00998-12, 01297-12 (x-ref 00842-12), 01319-12 (x-ref 00863-12) have been returned to the company, AT&T's request to extend confidential classification of the documents is moot. However, as discussed above, the information contained in these documents was entered into the hearing record and assigned Document Nos. 02296-12, 02847-12 and 02848-12 (x-ref 01233-12). Because the Commission maintains possession of these documents, AT&T's request to extend the confidential classification of these documents is appropriate for consideration.

Upon review, it appears that Document Nos. 01867-12 (x-ref 02296-12), 02847-12, and 02848-12 (x-ref 01233-12), satisfies the criteria set forth in Section 364.183(3), F.S. The information contains customer specific information, the disclosure of which would be detrimental to the interests of AT&T Florida's customers. Therefore, confidential classification for Document Nos. 01867-12 (x-ref 02296-12), 02847-12, 02848-12 (x-ref 01233-12) is granted.

Pursuant to Section 364.183(3), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of 18 months from the date of issuance of this order. At the conclusion of the 18-month period, the confidential information

will no longer be exempt from Section 119.07(1), F.S., unless AT&T Florida or another affected person shows, and the Commission finds, that the information continues to contain proprietary confidential business information.

Based on the foregoing, it is

ORDERED by Commissioner Eduardo E. Balbis, as Prehearing Officer, that the information described in the body of this Order and contained in Document Nos. 01867-12 (x-ref 02296-12), 02847-12, 02848-12 (x-ref 01233-12) shall be granted an additional 18 months of confidential classification. It is further

ORDERED that the confidential request for Document Nos. 00998-12, 01297-12 (x-ref 00842-12), 01319-12 (x-ref 00863-12) is moot. It is further

ORDERED that pursuant to Rule 25-22.066, F.A.C., and Section 364.183(3), F.S., confidentiality granted to the documents specified herein shall expire 18 months from the date of the issuance of this Order in the absence of a renewed request for confidentiality. It is further

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

By ORDER of Commissioner Eduardo E. Balbis, as Prehearing Officer, this 15th day of October, 2013.



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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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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.