

State of Florida



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

DATE: March 10, 2009

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

FROM: Lisa Harvey, Bureau Chief, Division of Regulatory Compliance *lh*

RE: 0000121A-TP – AT&T’s Request (Document No. 00238-09) for confidential classification of portions of staff’s audit of *AT&T’s OSS April 2008 Release Analysis and Resolutions* (Document No: 00239-09).

Attachment 1 is a January 9, 2009 Request (Document No. 00238-09) for Specified Confidential Classification on portions of staff’s audit of *AT&T’s OSS April 2008 Release Analysis and Resolutions* (Document No. 00239-09). The company cites Rule 25-22.006(5) Florida Administrative Code section 364.183, Florida Statutes, and other applicable law – regarding proprietary treatment of information that would cause harm to the ratepayers or company’s business operations.

After review of AT&T’s request, staff’s recommended position regarding confidentiality is provided in Attachment 2. Staff has indicated its disagreement with AT&T Requests for Confidentiality in those instances where release of information does not create competitive impairment or instances where information has previously been released to the public.

cc: Timisha Brooks
Beth Salak
Dale Mailhot
Jerry Hallenstein
David Rich
Brenda Merritt

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Robert Culpepper
General Attorney
Legal

Attachment 1

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January 9, 2009

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

Re: Docket No. 000121A-TP
In Re: Investigation into the establishment of operations support systems permanent incumbent local exchange Telecommunications companies

Dear Ms. Cole:

Enclosed are an original and fifteen copies of BellSouth Telecommunications, Inc. d/b/a AT&T Florida's ("AT&T Florida") Request for Specified Confidential Classification, which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. A copy of the same is being provided to all parties of record.

Sincerely,

Robert A. Culpepper

Enclosures

cc: All parties of record
Jerry D. Hendrix

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This confidentiality request was filed by or for a "telco" for DN ~~00239-09~~. 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.

(x-r4.11622-08)

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00238 JAN-9 8

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**CERTIFICATE OF SERVICE
Docket No. 000121A-TP**

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

Electronic Mail and U.S. Mail the 9th of January, 2009 to the following:

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Robert A. Culpepper

(+) Signed Protective Agreement

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: January 9, 2009

AT&T FLORIDA'S REQUEST FOR CONFIDENTIAL CLASSIFICATION

Pursuant to Rule 25-22.006, Florida Administrative Code, Section 364.183, Florida Statutes, and other applicable law, BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida") herewith files its Request for Confidential Classification and states as follows.

1. In September 2008, the Staff of the Florida Public Service Commission ("Staff") commenced an audit into AT&T Florida's April OSS software release ("April Release"). *See* Commission Order No. PSC-08-0618-PAA-TP, dated September 23, 2008 (accepting the parties' agreement regarding the scope of an April Release audit conducted by Staff). On November 26, 2008, Staff provided AT&T Florida with a draft audit report. On December 16, 2008, and in accordance with applicable law, AT&T Florida requested for the entire draft audit report to be treated as confidential pending the Staff's issuance of a revised audit report. On December 18, 2008, Staff provided AT&T Florida with a report entitled "A Review AT&T's OSS April 208 Release Analysis and Resolutions" ("Audit Report").

2. The Audit Report contains proprietary confidential business information. Such information: (i) is treated as proprietary by AT&T Florida; (ii) is not generally disclosed; and (iii) the disclosure of such information could harm the business operations of AT&T Florida. The specific portions of the Audit Report which contain proprietary confidential business

DOCUMENT NUMBER-DATE

00238 JAN-9 8

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information, along with the justification offered in support of such classification, are identified in Attachment A to this Request for Confidential Classification.

3. Attachment B to this Request for Confidential Classification are redacted versions of the Audit Report wherein the portions of the Audit Report which AT&T considers proprietary confidential business information are blocked out.

4. Attachment C to this Request for Confidential Classification is proprietary version of the Audit Report wherein the portions of the Audit Report which AT&T Florida considers proprietary confidential business information are highlighted.

For the reasons set forth herein, AT&T Florida respectfully requests an Order declaring the portions of the Audit Report that AT&T Florida has identified as proprietary confidential business information to be considered and treated as such pursuant to Section 364.183, Florida Statutes and other applicable law.

Respectfully submitted this 9th day of January 2009.



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726408

ATTACHMENT A

**AT&T Florida
FPSC Docket No. 000121A-TP
Request for Confidential Classification
Page 1 of 3
1/9/09**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF STAFF AUDIT
REGARDING AT&T'S APRIL 2008 OSS RELEASE IN
FLORIDA DOCKET NO. 000121A-TP**

Explanation of Proprietary Information

1. This material is proprietary and confidential business information of a technical nature used by AT&T in conducting its business and is not commonly known by or available to the public. AT&T derives economic value from this information not being generally known to, and not being readily ascertainable by competitors who can obtain economic value from its disclosure. Specifically, this information contains information related to AT&T's Key Learning Review process and/or AT&T's software defect management process. This information is considered proprietary and confidential to AT&T as it describes, among other things, AT&T's internal operations regarding planning, implementing, and managing OSS software releases and the disclosure of such information could cause harm to AT&T. Accordingly, this information is entitled to confidential classification pursuant to Section 364.183(3)(e), Florida Statutes.

AUDIT REPORT – Information highlighted in the following lines:

<u>Location</u>	<u>Reason</u>
Page 2, lines 30 and 32	1
Page 3, lines 20 and 44	1
Page 15, lines 15, 24, and 32	1
Page 16, Exhibit 1 and lines 4 and 7-22	1
Page 17, Exhibit 2 and lines 5-22 and 30-32	1
Page 18, lines 1-13 and 38-40	1

ATTACHMENT A

AT&T Florida
FPSC Docket No. 000121A-TP
Request for Confidential Classification
Page 2 of 3
1/9/09

REQUEST FOR CONFIDENTIAL CLASSIFICATION OF STAFF AUDIT
REGARDING AT&T'S APRIL 2008 OSS RELEASE IN
FLORIDA DOCKET NO. 000121A-TP

<u>Location</u>	<u>Reason</u>
Page 19, lines 21, 24-31, 38-41 and fns. 12 & 13	1
Page 20, lines 1-5, 16-20, 28-37 and fn. 16.	1
Page 21, lines 2-41 and fn. 17	1
Page 22, lines 1-20, 24-41, and fns. 19 & 20	1
Page 23, lines 1-23, 26, and 32-34	1
Page 24, line 23	1
Page 27, lines 20, 21, and 33	1
Page 28, Exhibit 3, lines 14-35, and fns. 22 & 24	1
Page 29, lines 4, 7, 11, 15, 20, 23, 30, and 33	1
Page 30, lines 4-5, and 10-31	1
Page 31, lines 15-18, Exhibit 4, and lines 26-30	1
Page 32, lines 5-8, 18-20, Exhibit 5, and lines 33-38	1

ATTACHMENT A

**AT&T Florida
FPSC Docket No. 000121A-TP
Request for Confidential Classification
Page 3 of 3
1/9/09**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF STAFF AUDIT
REGARDING AT&T'S APRIL 2008 OSS RELEASE IN
FLORIDA DOCKET NO. 000121A-TP**

<u>Location</u>	<u>Reason</u>
Page 33, lines 3-9, 28-32, and 39-46	1
Page 34, lines 7, and 27-28	1
Page 36, lines 14-15 and 18-19	1
Page 37, line 20	1
Page 41, lines 33-34	1
Page 44, lines 39-43	1
Page 47, lines 5-7	1
Page 65, lines 8-42	1
Page 66, lines 1-42	1
Page 67, lines 3-44	1
Page 68, lines 1-45	1
Page 69, lines 1-45	1

ATTACHMENT A

AT&T Florida
FPSC Docket No. 000121A-TP
Request for Confidential Classification
Page 4 of 8
1/9/09

REQUEST FOR CONFIDENTIAL CLASSIFICATION OF STAFF AUDIT
REGARDING AT&T'S APRIL 2008 OSS RELEASE IN
FLORIDA DOCKET NO. 000121A-TP

<u>Location</u>	<u>Reason</u>
Page 70, lines 1-43	1
Page 71, lines 1-40	1
Page 73, lines 4-7, and chart entitled "Selected Pre-Production Defect Management Key Learnings"	1
Page 74, chart entitled "Selected Pre-Production Defect Management Key Learnings"	1
Page 75, chart entitled "Selected Pre-Production Defect Management Key Learnings"	1
Page 77, lines 4-7, chart entitled "Selected Production Defect Management Key Learnings"	1
Page 78, chart entitled "Selected Production Defect Management Key Learnings"	1
Page 79, chart entitled "Selected Production Defect Management Key Learnings"	1
Page 85, lines 37-41, and fn. 44	1
Page 86, line 3	1
Page 97, lines 25-27	1

ATTACHMENT B

**AT&T Florida
FPSC Docket No. 000121A-TP
Request for Confidential Classification
Page 1 of 1
1/9/09**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF STAFF AUDIT
REGARDING AT&T'S APRIL 2008 OSS RELEASE IN
FLORIDA DOCKET NO. 000121A-TP**

2 COPIES OF PUBLIC DISCLOSURE DOCUMENT

ATTACHMENT C

**AT&T Florida
FPSC Docket No. 000121A-TP
Request for Confidential Classification
Page 1 of 1
1/9/09**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF STAFF AUDIT
REGARDING AT&T'S APRIL 2008 OSS RELEASE IN
FLORIDA DOCKET NO. 000121A-TP**

PROPRIETARY COPY

**Staff's Assessment of AT&T's Request for Confidentiality (Document No. 00239-09)
Audit of AT&T's OSS April 2008 Release Analysis and Resolutions**

AT&T's Comments	Audit Page No.	LINES	CLECs' Objections to AT&T's Request (Document No. 00567-09)	CLEC I.D. (see previous column)	Staff Agree/Disagree To AT&T's Request
This material is proprietary and confidential business information of a technical nature used by AT&T in conducting its business and is not commonly known by or available to the public. AT&T derives economic value from this information not being generally known to, and not being readily ascertainable by competitors who can obtain economic value from its disclosure. Specifically, this information contains information related to AT&T's Key Learning Review process and/or AT&T's software defect management process. This information is considered proprietary and confidential to AT&T as it describes, among other things, AT&T's internal operations regarding planning, implementing, and managing OSS software releases and the disclosure of such information could cause harm to AT&T. Accordingly, this information is entitled to confidential classification pursuant to Section 364.183(3)(e), Florida Statutes.	2	lines 30 and 32	<p>AT&T has:</p> <ul style="list-style-type: none"> o Not met its burden of proof. o Failed to provide any demonstration for its asserted confidentiality by way of explanation within its request for confidential classification. o Only provided general assertions and vague possibilities of harm o Not provided evidence through affidavit or otherwise to base its claim. <p>Redacted information describes:</p> <ol style="list-style-type: none"> 1. the quantity and categories of key learnings resulting from the software deployment, 2. the quantity and descriptions of software defects, 3. project management failings, and 4. issues with the classification, management, and resolution of software defects. None of the redacted sections appear to fall within the statutory example of confidential proprietary business information identified by AT&T because there is no indication that the disclosure of such information will impair the competitive business of AT&T. <p>The following are examples of such redactions:</p> <ul style="list-style-type: none"> a. Pages 2, 3, 15, 16, 21-24, 32, 33, and 65-71 include redactions that appear to be related to the quantity, category, discussion, or details of key learnings; b. Pages 3, 27, 28, 30-33, 36, 37, 85, and 73-79 include redactions that appear to be related to the quantity and descriptions of software defects; c. Pages 17 and 18 include redactions that appear to be related to significant key learnings and root causes; 	a	Disagree (Ln 30) # of KLR (Ln 32) # of open KLR
	3	lines 20, 22, 36 and 44-46		a,b	Disagree (Ln 20) # open KLRs
	15	lines 15, 24, and 32		a	Agree (Ln 44) # production defects
	16	Exhibit 1 and lines 4 and 7-22		a	Disagree Exh 1 numbers only (Ln 4) # what worked (Ln 7-13) what worked; KLR examples
	17	Exhibit 2 and lines 5-22 and 30-32		c	Agree Exhibit 1 category column (Ln 15-22) KLR priority
	18	lines 1-13 and 38-40		c, d	Disagree Exh 2 # of KLRs (Ln 20-22) Staff opinion
19	lines 21,24-31,38-41 and fns. 12 & 13	a	Agree (Ln 1-13) Root causes (Ln 38-40) Internal process;		
					Disagree (Ln 21) # of RC (Ln 26-27) Staff Opinion (Ln 38-41) KLR resolutions

AT&T's Comments	Audit Page No.	LINES	CLECs' Objections to AT&T's Request (Document No. 00567-09)	CLEC I.D. (see previous column)	Staff Agree/Disagree To AT&T's Request
			<p>d. Page 18 includes a redaction that appears to be related to a description of what a "job aid describing the key learnings reporting process states;" and,</p> <p>e. Page 20 includes a redaction that appears to be related to Staff's concern that several "key learnings resolutions are merely statements or promises to do better in the future."</p>		<p>Public Record (footnote 12) (footnote 13)</p> <p>Agree (Ln 24-31) KLR & RCA</p>
	20	lines 1-5,16-20,28-37 and fn. 16 (lines 23-24...??)	<p>For each of these examples, no explanation of competitive impairment is offered by AT&T, and no apparent competitive impairment is created by disclosure.</p> <p>The items identified by AT&T as confidential appear to be at most embarrassing criticisms of the company's management of its recent, large software deployment. Such information is not properly characterized as confidential proprietary business information. In <u>Southern Bell Telephone and Telegraph Company v. Beard</u>.</p> <p>AT&T has provided no demonstration showing how the redacted information meets the statutory example of confidential proprietary business information and no affidavit or testimony of the redacted information's confidential nature.</p>	e	<p>Disagree (Ln 1-5) KLR resolutions (Ln 18-19) Staff Opinion (Ln 19) total number of open KLR. (Ln 23-24) Staff Opinion (fn 16) KLR # references</p> <p>Agree (Ln 16-17) staff confirmation (Ln 19) Number of KLRS opened relating to vendor training. (Ln 28-37) KLR examples</p>
	21	lines 2-41 and fn. 17		a	<p>Disagree (fn 17) KLR reference</p> <p>Agree (Ln 2-41) Open KLR descriptions</p>
	22	lines 1-20,24-41, and fns. 19 & 20		a	<p>Disagree (fn 19) KLR reference (fn 20) KLR reference</p> <p>Agree (Ln 1-20) Open KLRS (Ln 24-41) Premature closed KLRS</p>
	23	lines 1-23,26, and 32-34		a	<p>Disagree (Ln 26) # KLR (Ln 32) # KLR</p>

AT&T's Comments	Audit Page No.	LINES	CLECs' Objections to AT&T's Request (Document No. 00567-09)	CLEC I.D. (see previous column)	Staff Agree/Disagree To AT&T's Request
					Agree (Ln 1-23) Premature closed (Ln 33-34) Prioritization
	24	line 23		a	Disagree (Ln 23) # Open KLRs
	27	lines 20,21, and 33		b	Agree (Ln 20, 21, 33) # defects
	28	Exhibit 3, lines 14-35, and fns. 22 & 24		b	Disagree (Ex 3) # defects by severity -Public Record Agree (Ln 14-35) "hot defects" (fn 22) (fn 24)
	29	lines 4, 7,11,15, 20,23,30, and 33			Agree (All) Defect reference #'s
	30	lines 4-5, and 10-31		b	Disagree (Ln 4-5) Public record Agree (Ln 10-31) KLR defects
	31	lines 15-18, Exhibit 4, and lines 26-30		b	Agree (Ln 15-18) # of defects (Ex 4) CLEC impact vs non (Ln 26-30) Analysis of exhibit
	32	lines 5-8, 18-20, Exhibit 5, and lines 33- 38		a, b	Agree (Ln 5-8) # defects 2005 - 2007 (Ln 18-20) # defects (Ex 5) category of defects (Ln 33-38) Defect KLR
	33	lines 3-9,28-32, and 39- 46		a, b	Agree (Ln 3-10) KLR defect (Ln 28-32) # of KLR & potential resolution (Ln 39-46) Defect RCA %

AT&T's Comments	Audit Page No.	LINES	CLECs' Objections to AT&T's Request (Document No. 00567-09)	CLEC I.D. (see previous column)	Staff Agree/Disagree To AT&T's Request
	34	lines 1-7, and 27-28			Agree (Ln 1-7) Defect RCA (Ln 27-28) KLR summary
	36	lines 14-15 and 18-19		b	Agree (Ln 14-15) # defect (Ln 18-19) Specific defect
	37	line 20		b	Agree (Ln 20) # production defect
	41	lines 33-34			Agree (Ln 33-34) # pre- & post- production defects
	44	lines 39-43			Agree (Ln 39-43) Test plan pass/fail criteria
	47	lines 5-7			Agree (Ln 5-7) Number of \$ billed
	65	lines 8-42		a	Agree (Ln 8-42) specific KLRs
	66	lines 1-42		a	Agree (Ln 1-42) specific KLRs
	67	lines 3-44		a	Agree (Ln 2-44) specific KLRs
	68	lines 1-45		a	Agree (Ln 1-45) specific KLRS
	69	lines 1-45		a	Agree (Ln 1-45) specific KLRS
	70	lines 1-43		a	Agree (Ln 1-43) specific KLRs
	71	lines 1-40		a	Agree (Ln 1-40) specific KLRS
	73	lines 4-7, and chart entitled "Selected Pre-Production Defect Management Key Learnings"		b	Agree (Ln 3 – table) specific preproduction defects

AT&T's Comments	Audit Page No.	LINES	CLECs' Objections to AT&T's Request (Document No. 00567-09)	CLEC I.D. (see previous column)	Staff Agree/Disagree To AT&T's Request
	74	chart entitled "Selected Pre-Production Defect Management Key Learnings"		b	Agree (table) specific preproduction defects
	75	chart entitled "Selected Pre-Production Defect Management Key Learnings"		b	Agree (table) specific preproduction defects
	77	lines 4-7, chart entitled "Selected Production Defect Management Key Learnings"		b	Agree (In 3-table) production defects
	78	chart entitled "Selected Production Defect Management Key Learnings"		b	Agree (table) production defects
	79	chart entitled "Selected Production Defect Management Key Learnings"		b	Agree (table) production defects
	85	lines 37-41, and fn. 44		b	Agree (Ln 37-41) # of defects by severity (fn 44) DR #
	86	line 3			Agree # Severity 2 defects open
	97	lines 25-27			Agree Billing adjustment amt.