

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Consideration of  
BellSouth Telecommunications,  
Inc.'s entry into interLATA  
services pursuant to Section 271  
of the Federal  
Telecommunications Act of 1996.

DOCKET NO. 960786-TL  
ORDER NO. PSC-98-0772-CFO-TL  
ISSUED: June 4, 1998

ORDER GRANTING REQUEST FOR CONFIDENTIAL TREATMENT OF  
DOCUMENT NO. 05448-98 AND CROSS-REFERENCED DOCUMENT NO. 08573-97

Pursuant to Section 271(d)(3) of the Telecommunications Act of 1996 (the Act), the Federal Communications Commission (FCC) has 90 days to issue a written determination approving or denying a Bell Operating Company's (BOC) application for interLATA authority. Further, the FCC is directed to consult with the appropriate State Commission before making a determination regarding the BOC's entry into the interLATA market. Specifically, the Act requires the FCC to consult with the State Commission in order to verify the BOC's compliance with the requirements of Section 271(c) of the Act. On June 28, 1996, we opened this docket to begin to fulfill our consultative role.

On May 15 1998, Sprint Communications Company Limited Partnership and Sprint Metropolitan Networks, Inc. (herein referred to jointly as "Sprint") filed a Request for Confidential Classification of information contained in Melissa Closz's Late-Filed Deposition Exhibits 1 through 6, Document No. 05448-98 and cross-referenced Document No. 08573-97. Sprint asserts that disclosure of this information could harm its competitive interests. Sprint further asserts that it treats this information as confidential, proprietary information and that this information has not otherwise been disclosed.

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

DOCUMENT NUMBER-DATE

06026 JUN-4 88

FPSR-RECORDS/REPORTING

on the concept that government should operate in the "sunshine." Rule 25-22.006(4)(c), Florida Administrative Code, provides that it is the Company's burden to demonstrate that the documents fall into one of the statutory examples set out in Section 364.183, Florida Statutes, or to demonstrate that the information is proprietary confidential information, the disclosure of which will cause the Company or its ratepayers harm.

Specifically, Sprint seeks confidential treatment of information in Exhibit 1, Documentation of Rate Adjustments, that identifies specific facilities that Sprint uses to serve specific customers. Sprint asserts that disclosure of this information would allow competitors to determine the configuration of Sprint's network, which would allow competitors to calculate Sprint's cost structure. Sprint argues that such disclosure would impair Sprint's ability to compete in the market.

Sprint also seeks confidential treatment of certain information in Exhibit 2, Performance Standards Agreed to by Sprint/BellSouth, that identifies performance measurement standards and other measurement standards that are the subject of ongoing negotiations between BellSouth and Sprint. Sprint asserts that disclosure of this information would impair Sprint's competitive interests by allowing competitors to determine Sprint's business, network, and operating strategies, as well as the performance standards that Sprint views as critical to its operations.

Regarding Exhibit 3, Request by Sprint to BellSouth for EDI Information, Sprint states that this exhibit explains and reflects Sprint's request to BellSouth for information about the EDI system. Sprint asserts that disclosure of this information would impair Sprint's competitive interests by allowing competitors to determine Sprint's technical and operating strategies for entering the local market.

For Exhibit 4, Number of NXXs Requested by Sprint, and Exhibit 5, Number of Numbers in Use by Sprint in Each NXX, Sprint seeks confidential treatment of information identifying the number of NXXs requested by Sprint and the number of telephone numbers in use in each NXX. Sprint asserts that disclosure of this information would impair Sprint's competitive interests because it would allow Sprint's competitors to determine the extent of Sprint's market penetration.

In addition, Sprint seeks confidential treatment of certain information in Exhibit 6, Lost Customers and Surrounding Circumstances Due to BellSouth's Problems. Sprint states that this exhibit identifies and explains the circumstances relating to specific customers that Sprint lost because of provisioning or network problems. Sprint argues that disclosure of this information would not only impair Sprint's competitive interests, but would disclose specific customer names and information in violation of Section 364.24, Florida Statutes. Furthermore, Sprint asserts that disclosing this information would give Sprint's competitors information regarding the types of services offered by Sprint, and the facilities and network configuration used to provide such services.

Regarding the specific customer names in Exhibit 6, in accordance with Section 364.24, Florida Statutes, a telecommunications company is prohibited from disclosing customer account records. Furthermore, Section 364.24, Florida Statutes, states that "Nothing herein precludes disclosure of customers' names, addresses, or telephone numbers to the extent they are otherwise publicly available." Although the information for which Sprint seeks confidential treatment is the names of customers, this information is contained within the context of service information; thus, revealing the customers' personal information would also reveal the customers' account information. As such, it appears that the information for which Sprint seeks confidential treatment is information that telecommunications companies are required to keep confidential in accordance with Section 364.24, Florida Statutes.

As for the other identified information in these exhibits for which Sprint seeks confidential treatment because it would harm Sprint's ability to compete, I agree that it appears that disclosure of this information would have a detrimental effect on Sprint's competitive interests and, therefore, Sprint's business operations.

Section 364.183(3), Florida Statutes, states that proprietary confidential business information is information that

. . . 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

ORDER NO. PSC-98-0772-CFO-TL  
DOCKET NO. 960786-TL  
PAGE 4

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), Florida Statutes, it appears that the information for which Sprint seeks confidential classification is information that, if disclosed, would cause harm to the company or its ratepayers because disclosure would harm Sprint's business operations by impairing its ability to compete, or by violating Section 364.24, Florida Statutes. Thus, this information qualifies as proprietary business information under Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. It shall, therefore, be granted confidential treatment in accordance with those provisions.

Based on the foregoing, it is therefore

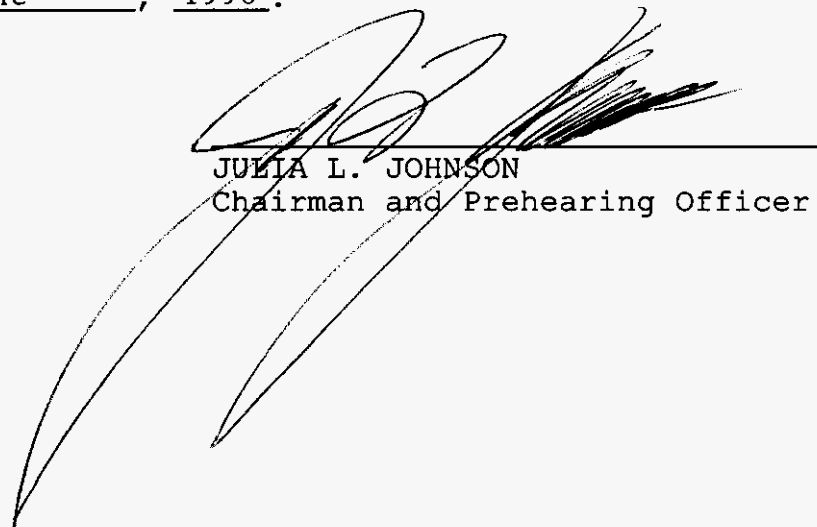
ORDERED by Chairman Julia L. Johnson, as Prehearing Officer, that the request by Sprint Communications Company Limited Partnership and Sprint Metropolitan Networks, Inc. for confidential treatment of information in Document No. 05448-98 and cross-referenced Document No. 08573-97 is granted.

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the 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. It is further

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

ORDER NO. PSC-98-07/2-CFO-TL  
DOCKET NO. 960786-TL  
PAGE 5

By ORDER of Chairman Julia L. Johnson, as Prehearing Officer,  
this 4th Day of June, 1998.



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JULIA L. JOHNSON  
Chairman 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.

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 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, 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.