

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Determination of the cost
of basic local
telecommunications service,
pursuant to Section 364.025,
Florida Statutes.

DOCKET NO. 980696-TP
ORDER NO. PSC-98-1407-CFO-TP
ISSUED: October 21, 1998

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION

In accordance with the new Chapter 98-277, General Laws of Florida, the Commission is required, among other things, to study and report to the Legislature, by February 15, 1999, its conclusions regarding the cost of basic local telecommunications service. In order to effectuate the timely completion of the required report, the Commission has established this matter as Docket No. 980696-TP, Determination of the cost of basic local telecommunications service, pursuant to section 364.025, Florida Statutes.

On June 9, 1998, BellSouth Telecommunications, Inc. (BellSouth) filed a request for confidential classification of Document No. 06154-98 (cross-reference Document No. 05574-98), which contains information provided in BellSouth's response to Commission staff's data request concerning universal service cost information. BellSouth asserted that its response contains confidential information that should be exempt from Section 119.07(1), Florida Statutes. BellSouth argues that the information contained in this document is information, which, if disclosed, would impair its ability to compete. BellSouth asserts that it treats this information as confidential and that the information has not otherwise been disclosed. BellSouth asks, therefore, that this information be granted confidential treatment, in accordance with Rule 25-22.006, Florida Administrative Code.

Florida law presumes that documents submitted to governmental agencies shall be public records. The only exceptions to this

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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), 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, BellSouth asserts that the information contained in this document includes contractual vendor information. BellSouth maintains that public disclosure of this information would impair BellSouth's efforts to contract for goods or services on favorable terms and would provide BellSouth's competitors with an unfair advantage. Additionally, BellSouth asserts that such information should be classified as proprietary, confidential business information pursuant to Section 364.183(3)(d), Florida Statutes. Attached and incorporated into this Order as Attachment A is a list of the specific items, lines, and page numbers for which BellSouth seeks confidential treatment.

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

[O]wned 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), Florida Statutes, it appears

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that the information for which BellSouth seeks confidential classification is information that, if disclosed, would cause harm to the company or its ratepayers because disclosure would violate 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.

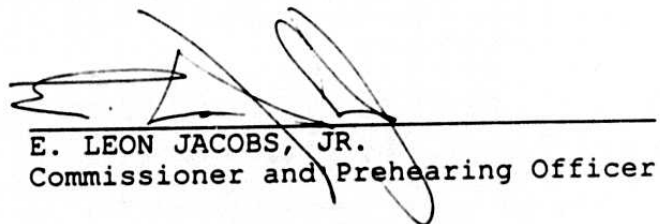
It is therefore

ORDERED by Commissioner E. Leon Jacobs, Jr., that BellSouth Telecommunications, Inc.'s Request for Confidential Classification of Document No. 06154-98 (cross-reference Document No. 05574-98) is hereby granted. It is further

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.

By ORDER of Commissioner E. Leon Jacobs, Jr., as Prehearing Officer, this 21st day of October, 1998.



E. LEON JACOBS, JR.
Commissioner and Prehearing Officer

(S E A L)

CBW

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.

ATTACHMENT A

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**Universal Service Data Request
Filed May 19, 1998
Undocketed**

The information provided is contractual vendor information. The disclosure of contractual data would impair the effort of BellSouth to contract for goods or services on favorable terms. This information is confidential pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

PAGE NOS.

1

LINE NOS./ COL. NOS.

Lines 1 & 2