

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-00-0847-CFO-TL  
ISSUED: April 28, 2000

ORDER GRANTING REQUEST FOR  
EXTENSION OF DURATION OF  
CONFIDENTIAL TREATMENT OF DOCUMENT NO. 07536-98

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 July 17, 1998, Intermedia Communications Inc. (Intermedia) filed a Request for Confidential Classification of information contained in Intermedia's response to Commission staff's April 13, 1998, data request, Items 2(b)(1-2), Document No. 07536-98. By Order NO. PSC-98-1195-CFO-TL, issued September 8, 1998, Intermedia's request was granted. Pursuant to the Order, the duration of the confidentiality period was eighteen months from the issuance of the Order.

On March 29, 2000, Intermedia filed a Motion for Extension of the Duration of Order No. PSC-98-1195-CFO-TL. Therein, Intermedia asserts that there is still a need to protect this proprietary business information from disclosure. For this reason and for the reasons cited in its original request for confidential treatment of this information, Intermedia asks that the duration of the confidential classification be extended an additional eighteen months.

DOCUMENT NUMBER-DATE

05245 APR 28 8

FPSC-RECORDS/REPORTING

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), 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.

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 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.

This information was originally granted confidential treatment because it is information regarding the number of Intermedia's business subscribers and subscriber lines in Florida. Therefore, based on the definition of proprietary confidential business information in Section 364.183(3), Florida Statutes, it was determined that disclosure of this information could harm Intermedia's business operations, and thus, Intermedia's ability to compete. Upon consideration, I agree that disclosure of this information at this time could still have a detrimental effect on Intermedia's competitive interests and, therefore, Intermedia's business operations. As such, Intermedia's Motion for Extension of Duration of Order No. PSC-98-1195-CFO-TL is granted.

Based on the foregoing, it is therefore

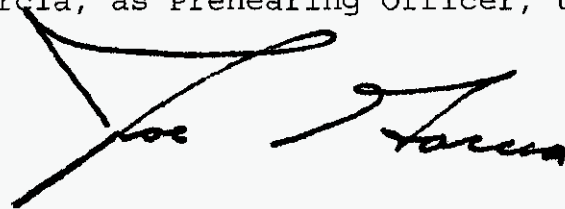
ORDERED by Chairman Joe Garcia, as Prehearing Officer, that Intermedia Communications, Inc.'s Motion for Extension of Duration of Order No. PSC-98-1195-CFO-TL Granting Confidential Classification of Document No. 07536-98 is granted. It is further

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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 Chairman Joe Garcia, as Prehearing Officer, this 28th Day of April, 2000.



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JOE GARCIA  
Chairman and Prehearing Officer

( S E A L )

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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

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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.