

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposal to require local exchange telecommunications companies to implement ten-year wood pole inspection program.

DOCKET NO. 060077-TL

In re: Staff proposal to revise annual reporting requirements for Commission-ordered wood pole inspections by investor-owned electric utilities.

DOCKET NO. 070634-EI

In re: Staff proposal to revise annual reporting requirements for Commission-ordered wood pole inspections by incumbent local exchange telecommunications carriers.

DOCKET NO. 070635-TL
ORDER NO. PSC-10-0039-CFO-PU
ISSUED: January 15, 2010

ORDER GRANTING AT&T FLORIDA'S REQUEST FOR
SPECIFIED CONFIDENTIAL CLASSIFICATION OF
DOCUMENT NO. 01822-09

On March 2, 2009, BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast ("AT&T Florida"), pursuant to Florida Public Service Commission Order No. PSC-06-0168-PAA-TL in Docket No. 060077-TL, and Order No. PSC-07-0918-PAA-PU in Docket No. 070634-EI and Docket No. 070635-TL, filed its Annual Pole Inspection Report for the Period of January 2008 thru December 2008, Document No. 01822-09 ("Report"). The same day, pursuant to Rule 25-22.006(3)(a), AT&T Florida filed a Notice of Intent to Request Specified Confidential Classification of certain information contained in the Report. On March 5, 2009, AT&T Florida filed its Request for Specified Confidential Classification of this same information (Document No. 01821-09) ("Request"). Specifically, AT&T Florida seeks to protect from public disclosure the information contained within the Report as outlined in Attachment A of AT&T's Request. AT&T Florida asserts that this is information related to its competitive interests and proprietary to AT&T Florida. Furthermore, AT&T Florida states that it treats this information as valuable and AT&T Florida strives to keep it secret.

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.

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Section 364.183(3), Florida Statutes, in pertinent part, provides:

The term “proprietary confidential business information” means information, regardless of form or characteristics, which 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.

Based on the definition of proprietary confidential business information in Section 364.183(3), Florida Statutes, it appears that the material described herein is proprietary business information in accordance with Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. Disclosure of this information would cause competitive harm to AT&T Florida and provide competitors with an unfair advantage. As such, AT&T Florida’s Request for Specified Confidential Classification of the information contained in Document No. 01822-09 is hereby granted.


Based on the foregoing, it is

ORDERED by Commission Chairman Nancy Argenziano, that AT&T Florida’s Request for Specified Confidential Classification of the information contained in Document No. 01822-09 is granted. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the confidentiality granted to 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 Nancy Argenziano, as Presiding Officer, this 15th day of
January, 2010.



NANCY ARGENZIANO
Chairman and Presiding 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.

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.

ATTACHMENT A

**REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION OF
AT&T FLORIDA'S POLE INSPECTION REPORT
JANUARY 2008 THROUGH DECEMBER 2008**

Explanation of Proprietary Information

1. This information is considered by BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida") to be proprietary confidential business information within the scope of Section 364.183(3) of the Florida Statutes. The information is intended to be and is treated by AT&T Florida as private, and has not otherwise been disclosed to the public. Further, the disclosure of this information would cause harm to the Company's business operations as third parties may attempt to take the information out of context and use it to form a predicate for claims or lawsuits against the Company. To the extent a third party had a valid claim or lawsuit against the Company, that party would have the opportunity to seek this information through the discovery process in a legal action. AT&T Florida does not concede that such claims or lawsuits would have merit and, to the contrary, believes that its infrastructure has performed well in past storms.
2. This information is the product of an internal audit of AT&T Florida's Pole inventory and, thus, is considered proprietary confidential business information by the Company within the scope of Section 364.183(3) of the Florida Statutes.

<u>Location</u>	<u>Reason</u>
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