

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint and petition for relief against Halo Wireless, Inc. for breaching the terms of the wireless interconnection agreement, by BellSouth Telecommunications, LLC d/b/a AT&T Florida.

DOCKET NO. 110234-TP
ORDER NO. PSC-12-0310-CFO-TP
ISSUED: June 18, 2012

ORDER GRANTING HALO WIRELESS, INC.'S AMENDED FIRST REQUEST
FOR CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO. 03700-12
(X-REF DOCUMENT NUMBER 03157-12)

On May 17, 2012, BellSouth Telecommunications, Inc. d/b/a AT&T Florida (AT&T Florida) filed its Responses to Staff's First Set of Interrogatories (Nos. 1-5). Concurrently, pursuant to Section 364.183, Florida Statutes (F.S.) and Rule 25-006, Florida Administrative Code (F.A.C.), AT&T Florida filed a Notice of Intent to Request Confidential Classification, asserting that portions of its responses to Staff Interrogatories Nos. 2a. and 2c. (AT&T Florida's Response) contained information which Halo Wireless, Inc. (Halo) might consider confidential. On June 12, 2012, Halo filed an Amended¹ First Request for Confidential Classification (Request) of certain enumerated information contained in AT&T Florida's Response to Staff Interrogatories Nos. 2a. and 2c.

Halo asserts that portions of the information contained in Document No. 03700-12 (x-ref Document No. 03157-12) is intended to be and is treated as confidential by Halo, and has not been disclosed to the public. Attachment A, attached hereto and incorporated herein, contains a detailed, page by page and line by line identification of the specific information contained in each response which Halo contends is confidential. Halo requests that the Commission grant confidential classification for the document for a period of 18 months from the date of the issuance of this Order, pursuant to Section 364.183, F.S.

In its Request, Halo states that in Response to Staff's Interrogatories Nos. 2.a. and 2.c., AT&T Florida provided sensitive information related to Halo's network equipment locations and underlying transport providers. Public dissemination of this information, avers Halo, presents a disclosure of trade secrets, as well as potential network security concerns to Halo and its underlying transport service providers. In addition, Halo alleges the information relates to the competitive interests of Halo and its underlying transport service providers, the disclosure of which would impair their competitive businesses. Halo references Sections 364.183(3)(a), (c) and (e), F.S., for authority for this request. Halo therefore concludes that this information should be classified as proprietary, confidential business information; should remain confidential for a period of at least 18 months; and should be returned as soon as it is no longer necessary for the Commission to conduct its business.

¹ Halo's First Request for Confidential Classification was filed June 6, 2012.

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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, 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.

Pursuant to Sections 364.183(3)(a) and (e), F.S. it appears that the material described in Attachment A is proprietary confidential business information and should be granted confidential status. As such, Halo Wireless, Inc.'s First Amended Request for Confidential Classification of certain information contained in AT&T Florida's Responses to Staff's First Set of Interrogatories Nos. 2a. and 2c. is hereby granted.

Based on the foregoing, it is

ORDERED by Commissioner Eduardo E. Balbis, as Prehearing Officer, that Halo Wireless, Inc.'s First Amended Request for Confidential Classification of certain information contained in AT&T's Response to Staff's First Set of Interrogatories, Nos. 2 a. and c., Document No. 03700-12 (X-Ref Document Number 03157-12), as identified in Attachment A, is hereby granted. It is further

ORDERED that the information in Document No. 03700-12 (X-Ref Document Number 03157-12) for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless Halo Wireless, Inc. or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Eduardo E. Balbis, as Prehearing Officer, this 18th day of June, 2012.



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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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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

CONFIDENTIAL INFORMATION CONTAINED WITHIN AT&T
FLORIDA'S RESPONSES TO STAFF'S FIRST SET OF
INTERROGATORIES NUMBERS 2.A AND 2.C.

Document	Bates Nos.	Lines
AT&T Florida Response to Staff Interrogatory No. 2.c	Halo 110234-001	1-6
AT&T Florida Response to Staff Interrogatory No. 2.a.	Halo 110234-002	1-19
	Halo 110234-003	1-18
	Halo 110234-004	1-21
	Halo 110234-005	1-26
	Halo 110234-006	1-19
	Halo 110234-007	1-31
	Halo 110234-008	1-38
	Halo 110234-009	1
	Halo 110234-010	1-14
	Halo 110234-011	1-25
	Halo 110234-012	1-20
	Halo 110234-013	1-19
	Halo 110234-014	1-25
	Halo 110234-015	1-18
	Halo 110234-016	1-24
	Halo 110234-017	1-23
	Halo 110234-018	1-31
	Halo 110234-019	1-20
	Halo 110234-020	1-21
	Halo 110234-021	1-38
	Halo 110234-022	1
	Halo 110234-023	1-15
	Halo 110234-024	1-17
	Halo 110234-025	1-13