

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-12-0351-CFO-TP
ISSUED: July 5, 2012

ORDER GRANTING HALO WIRELESS, INC.'S THIRD REQUEST FOR
CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO. 04207-12 (x-ref. DN 03613-12)

On June 4, 2012, BellSouth Telecommunications, Inc. d/b/a AT&T Florida (AT&T Florida) filed its Responses to Halo Wireless, Inc.'s (Halo) First Set of Interrogatories, Request for Admissions, and Request for Production. 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 its response to Halo's Request for Production No. 5 (the Response) included information which Halo Wireless, Inc. might consider proprietary, confidential business information. On June 25, 2012, Halo filed its Third Request for Confidential Classification (Request) for certain enumerated information contained in AT&T Florida's Response to Halo's Request for Production No. 5.

In its Request, Halo asserts that portions of the information contained in Document No. 04207-12 (x-ref. DN 03613-12) 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, file folder, file name, and line identification of the specific information contained in the 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 Halo's Request for Production No. 5, AT&T Florida provided a DVD containing approximately 1.26 GB of data, consisting of sensitive information related to Call Detail Records ("CDRs"). Halo asserts that the CDRs must be treated as confidential in their entirety, and not disclosed to the public, because, among other things, they contain customer proprietary network information (CPNI)¹, which is required to be kept confidential by 47 United States Code §222. In addition to the Federal requirement of confidentiality, Halo maintains that CPNI and the other call detail information constitute competitively sensitive and confidential trade secret information that must not be disclosed because it would reveal the proprietary routing configurations and vendor information of Halo and its customers, which could be used by competitors of Halo and its customers to unfairly compete against them. As such, avers Halo, public dissemination of this information presents a disclosure of trade secrets as defined in Section 364.183(3)(a), F.S., and such information

¹ CPNI is the data collected by telecommunications companies about a consumer's telephone calls including the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier.

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constitutes "proprietary confidential business information," which is exempt from disclosure under the Public Records Act pursuant to Section 364.183(3), F.S.

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), 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 Third Request for Confidential Classification of certain information contained in AT&T Florida's Response to Halo Wireless, Inc.'s Request for Production No. 5 is hereby granted.

Based on the foregoing, it is

ORDERED by Commissioner Eduardo E. Balbis, as Prehearing Officer, that Halo Wireless, Inc.'s Third Request for Confidential Classification of certain information contained in AT&T's Response to Halo's Request for Production No. 5, Document No. 04207-12 (x-ref. DN 03613-12), as identified in Attachment A, is hereby granted. It is further

ORDERED that the information in Document No. 04207-12 (x-ref. DN 03613-12) 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 5th day
of July, 2012.



EDUARDO E. BALBIS
Commissioner and Prehearing Officer
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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

FILE FOLDER	FILE NAME	LINES
State Region by State 1-18-12 – 2-14-12 Overview	Halo CDR 01-18-2012.zip Halo CDR 01-19-2012.zip Halo CDR 01-20-2012.zip Halo CDR 01-21-2012.zip Halo CDR 01-22-2012.zip Halo CDR 01-23-2012.zip Halo CDR 01-24-2012.zip Halo CDR 01-25-2012.zip Halo CDR 01-26-2012.zip Halo CDR 01-27-2012.zip Halo CDR 01-28-2012.zip Halo CDR 01-29-2012.zip Halo CDR 01-30-2012.zip Halo CDR 01-31-2012.zip Halo CDR 02-01-2012.zip Halo CDR 02-02-2012.zip Halo CDR 02-03-2012.zip Halo CDR 02-04-2012.zip Halo CDR 02-05-2012.zip Halo CDR 02-06-2012.zip Halo CDR 02-07-2012.zip Halo CDR 02-08-2012.zip Halo CDR 02-09-2012.zip Halo CDR 02-10-2012.zip Halo CDR 02-11-2012.zip Halo CDR 02-12-2012.zip Halo CDR 02-13-2012.zip Halo CDR 02-14-2012.zip OUTPUT45.TXT OUTPUT48.TXT	All
9 State Region by State 6-14-11 – 6-20-11 Overview	SM9634.OUTPUT45.TXT SM9634.OUTPUT48.TXT sqh7sr3_429C2011-06-14_2011-06-14_1.zip sqh7sr3_429C2011-06-15_2011-06-15_1.zip sqh7sr3_429C2011-06-17_2011-06-17_1.zip sqh7sr3_429C2011-06-18_2011-06-18_1.zip sqh7sr3_429C2011-06-19_2011-06-19_1.zip sqh7sr3_429f2011-06-20_2011-06-20_1.zip	All
9 State Region by State 9-26-11 – 10-2-11 Overview	9-26-2011 Halo CDR Text File.zip 9-27-2011 Halo CDR Text File.zip 09-28-2011 Halo CDR Text File.zip 9-29-2011 Halo CDR Text File.zip	All

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	9-30-2011 Halo CDR Text File.zip 10-1-2011 Halo CDR Text File.zip 10-2-2011 Halo CDR Text File.zip New 9-29-2011 Halo CDR Text File.zip OUTPUT45.TXT OUTPUT48.TXT	
Halo Claims Consolidated.xls	Halo Claims Consolidated.xls	All