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June 27, 1994

Mrs. Blanca S. Bayo  
Director, Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32301

RE: Docket No. 921074-TP

Dear Mrs. Bayo:

Enclosed please find an original and fifteen copies of BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company's Third Request for Confidential Classification to be filed in the above mentioned docket for the Commission's consideration.

A copy of this letter is enclosed. Please indicate on the copy that the original was filed and return the copy to me. Thank you for your assistance in this matter.

Very truly yours,

*Mary Jo Peed*  
Mary Jo Peed (PM)

Enclosure

cc: H. R. Anthony  
A. M. Lombardo  
R. Douglas Lackey  
All Parties of Record

RECEIVED & FILED

*29*  
FPSC-BUREAU OF RECORDS

*Conf*  
DOCUMENT NUMBER-DATE  
06365 JUN 27 1994  
FPSC-RECORDS/REPORTING

*Attach B*  
DOCUMENT NUMBER-DATE  
06364 JUN 27 1994  
FPSC-RECORDS/REPORTING

BEFORE  
THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Expanded Interconnection ) DOCKET NO. 921074-TP  
Phase II and Local Transport )  
Restructure )  
\_\_\_\_\_ ) June 27, 1994

BELLSOUTH TELECOMMUNICATIONS, INC. D/B/A  
SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S  
THIRD REQUEST FOR CONFIDENTIAL CLASSIFICATION

COMES NOW, BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell"), pursuant to Rule 25-22.006, Florida Administrative Code, and files its third request for confidential classification of information contained in various documents produced in response to Requests Nos. 18, 23, 24, 25, and 26 of the Commission Staff's ("Staff") Third Request for Production of Documents.

1. On May 3, 1994, the Staff filed its Third Request for Production of Documents to Southern Bell ("3rd PODs").

2. On June 7, 1994, Southern Bell filed its Objections and Responses to Staff's 3rd PODs and its Third Notice of Intent to Request Confidential Classification ("Third Notice"). The Third Notice was required because some of the documents produced in response to Request Nos. 18, 23, 24, 25 and 26 contain information which is exempted from public disclosure pursuant to §§ 119.07 and 364.183, Florida Statutes.

3. Pursuant to Rule 25-22.006(3)(a), Southern Bell is, within the 21 days allowed by the Rule, filing its request for confidential classification of the information it contends is proprietary confidential business information.

DOCUMENT NUMBER-DATE

06363 JUN 27 8

FPSC-RECORDS/REPORTING

4. Pursuant to Rule 25-22.006, Florida Administrative Code, Southern Bell is affixing as Attachment "A" a listing identifying the page and line number at which the confidential material found. Southern Bell has affixed as Attachment "B" two copies of the material in which the proprietary confidential business information has been redacted. Appended hereto as Attachment "C" is one copy of the material with the proprietary confidential business information highlighted. The material for which confidential classification is sought is intended to be and is treated by Southern Bell as private and has not been disclosed.

5. The information identified in Attachment "A" is proprietary confidential business information pursuant to §364.183, Florida Statutes and is exempt from the requirements of public disclosure of §119.07, Florida Statutes. The information contained in document F10B03Z and shown on Attachment A as confidential pursuant to Reason "B" reflects customer specific usage data of Southern Bell's access services at various central offices. The Commission has always zealously protected customer specific information in order to protect the customer's privacy and prevent a competitor of the customer from obtaining an unfair advantage. Further, the disclosure of this customer specific data may provide any competitor or potential competitor for the provision of access services with information which is generally not available. Such competitors could utilize the data to determine their own strategic plans to enter or further compete

for access services customers. The Commission has previously granted requests for confidential classification for similar information. See, Order No. PSC-93-0964-CFO-TL, issued June 28, 1993. As the information is customer specific, derived from Southern Bell's customer records, and could impair the competitive business, access services, of Southern Bell, it is, therefore, proprietary confidential business information pursuant to Section 364.183, Florida Statutes and is exempted from the requirement of public disclosure of Section 119.07, Florida Statutes.

6. The information identified in Attachment "A" is proprietary confidential business information pursuant to § 364.183, Florida Statutes and is exempt from the requirement of public disclosure of § 119.07, Florida Statutes. The information contained in document F1B03Z and shown on Attachment "A" as confidential pursuant to Reason "A" reflects Southern Bell's strategic planning process, from a provisioning and marketing prospective, for the provision of access services to its customers. These documents disclose strategies for the immediate future as well as a number of "what if" scenarios discussing various future marketing plans. As access services are becoming more and more competitive, disclosure of these documents would provide Southern Bell's competitors and future competitors with the strategic plans of Southern Bell and will thwart Southern Bell's competitive interests. The Commission has previously granted such information confidential treatment. See, Order No.

PSC-93-1289-CFO-TL, issued September 2, 1993. Therefore, this information is proprietary confidential business information pursuant to Section 364.183, Florida Statutes and is exempted from the requirement of public disclosure of § 119.07, Florida Statutes.

7. The information identified in Attachment "A" is proprietary confidential business information pursuant to § 364.183, Florida Statutes and is exempt from the requirements of public disclosure in § 119.07, Florida Statutes. The information contained in document F1B03Z and shown as Attachment "A" as confidential pursuant to reason "C" reflects the actual incremental unit cost information for discrete rate elements of MegaLink<sup>®</sup>, Special Access, Switched Access, and LightGate<sup>®</sup> services. With the exception of switched access service, the Commission in Order No. PSC-93-1768-FOF-TP, issued December 9, 1993, in Docket No. 930046-TP, stated that the above mentioned services were candidates for determination as to whether they were effectively competitive. As such, many vendors compete with Southern Bell in the major markets for the provision of these services, substitute services are functionally equivalent and there are no significant financial and regulatory barriers prohibiting competition for the provision of these services. Therefore, the disclosure of the incremental costs of providing such services will impair Southern Bell's ability to compete for the provision of these services. As to the data concerning switched access services, the cost studies were done pursuant to



long run incremental costing theories and as such reflect Southern Bell's costs of providing services on a going forward basis. This information relates to the competitive interests of Southern Bell and disclosure would impair the competitive business of Southern Bell. While it is true that competition has not been authorized for the local market in Florida other than private line services, the Commission has authorized expanded interconnection for alternative access vendors for special access and private line services and is considering in this docket expanded interconnection for alternative access vendors for switched access services.

WHEREFORE, Southern Bell requests that the Commission grant its request for confidential treatment.

Respectfully submitted this 27<sup>TH</sup> day of JUNE, 1994.

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**CERTIFICATE OF SERVICE**  
**Docket No. 921074-TP**

I HEREBY CERTIFY that a copy of the foregoing has been  
furnished by United States Mail this 27<sup>th</sup> day of June, 1994,  
to:

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Mary to Fred (AM)



SOUTHERN BELL TEL. & TEL. CO.  
FPSC DOCKET 921074-TF  
FPSC STAFF'S 3RD PRODUCTION OF DOCUMENTS

**Explanation for Confidentiality Request**

- A. This information reflects Southern Bell's market strategy. Southern Bell's competitors can use this information to develop their own market strategy with which to thwart Southern Bell's effort in their market. Thus, the disclosure of this information to Southern Bell's competitors would impair Southern Bell's ability to compete. In addition, this information is valuable, it is used by Southern Bell in conducting its business and Southern Bell strives to keep it secret. Therefore, it is a trade secret which should be classified as proprietary, confidential business information exempt from the Open Records Act pursuant to Section 364.183, Florida Statutes.
- B. This information reflects customer specific information. In addition, the disclosure of specific customer usage and billing information would benefit any competitor or potential competition to Southern Bell by assisting them in establishing marketing strategies. This information is treated as Proprietary and Confidential business information by Southern Bell and is exempt from the Open Records Act pursuant to Section 364.183, Florida Statutes.
- C. This information consists of cost study summaries that contain actual incremental unit cost information for discrete rate elements of MegaLink<sup>2</sup>, Special Access, Switched Access, and LightGate<sup>2</sup> services. This cost data would be useful to competitors and potential competitors in making decisions regarding entry, pricing, marketing and overall business strategies concerning access services. In addition, this information is valuable, it is used by Southern Bell in conducting its business and Southern Bell strives to keep it secret. Therefore, it is a trade secret which should be classified as proprietary, confidential business information exempt from the Open Records Act pursuant to Section 364.183, Florida Statutes.

**INDEX OF PROPRIETARY INFORMATION**

<u>PAGE NO.</u>	<u>LINE NOS./COL.NO.</u>	<u>REASON</u>
<b>POD Item 18</b>		
F10B03Z	0004 & 5	Cols. A-D, F-I
	0011	Cols. A-D, F-I
	0027	Cols. A-D, F-I
F10B03Z	84, 86, 88,	Cols. B-F
	90, 92, 94,	Cols. B-F
	96, 98	Cols. B-F
	0085, 87, 89,	Cols. B-E
	91, 93, 95,	Cols. B-E
	97, 99	Cols. B-E
	0100 & 102	Cols. B-G
	0101 & 103	Cols. B-D
	0104, 107, 109,	Cols. B-F
	111, 113, 115,	"
	117, 119, 121,	"
	123, 125, 127,	"
	129, 131, 133,	"
	135, 137, 139,	"
	141, 143, 145,	"
	147, 149, 150,	"
	153, 155, 157,	"
	159, 161, 163,	"
	165, 167, 169,	"
	171, 173, 175,	"
	177, 179, 181,	"
	183, 185, 187,	"
	189, 191, 193,	"
	195, 197, 199, 201	"
	0105, 106, 108,	Cols. B-E
	110, 112, 114,	"
	116, 118, 120,	"
	122, 124, 126,	"
	128, 130, 132,	"
	134, 136, 138,	"
	140, 142, 144,	"
	146, 148, 151,	"
	152, 154, 156,	"
	158, 160, 162,	"
	164, 166, 168,	"

170,172,174,	"	A
176,178,180,	"	A
182,184,186,	"	A
188,190,192,	"	A
194,196,198,	"	A
200,202	"	A

POD Item 23

0503	Lines 17-24	A
0504	Lines 9-36	A
0505	Lines 3-8	A
0506	Lines 35-39	A
0507	Lines 2-10	A
0508	Lines 6-12	A
0509	Lines 3-10	A

F10B032

0000511	Cols. B-D	B
0512	Lines 2, b,d,f,12-14	B
0513-520	Entire page	A
0523	Lines 23-29	A
0524-530	Entire page	A
0531	Lines 4-21	A
0543	Entire page	A
0537	Lines 1-3	A
0538-542	Entire page	A
0544-557	Entire page	A
0559-565	Entire page	A
0567	Lines 2,3	B
0570,571	Lines 2-5	B
0572	Lines 3-5	B
0573,574	Entire graphs	A
0585	Entire page	A
0587-590	Entire page	A
0591	Lines 2,3	B
0596,597	Entire page	A
0603	Lines 9-25	A
0604-606	Entire page	A
0607	Lines 12-22	A
0609	Entire page	A
0610	Lines 3-23	A
0611	Pages 1-12; marginalia	A
0612-615	Entire page	A
0619-630	Entire page	A
0631	Lines 12-25	A
0632-654	Entire page	A
0656-757	Entire page	A

POD Item 24,25

0205-207	All costs on lines 8,9,12-16,19-26	C
0210-212	All costs on lines 8,11-13	C
0213-217	Cols. C-G	C

POD Item 26

0218	Cols. C-E	C
0219 & 220	Cols. B-H	C
0221-223	Cols. B-G	C
0224	Cols. B-C	C
0225 & 226	Lines 4-6 (all nos.); cols. B-E; lines 26-34	C
0227 & 233	Nos. & ltrs. (under indicators, yr., min., max., inc., & dec.)	C
0228 & 234	Cols. B-D	C
0229 & 235	Line 8	C
0230 & 236	Lines 8-9 (under dedicated)	C
F10B03Z 0231 & 237	Cols. B-C; line 28	C
0232 & 238	Lines 9 & 14	C