

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition to initiate rulemaking to amend
Rules 25-24.630(1) and 25.24.516(1), F.A.C.,
by BellSouth Telecommunications, Inc.

DOCKET NO. 060476-TL
ORDER NO. PSC-07-0844-CFO-TL
ISSUED: October 18, 2007

ORDER GRANTING BELLSOUTH TELECOMMUNICATIONS, INC. D/B/A
AT&T FLORIDA'S REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION
OF DOCUMENT NO. 02771-07 (X-REF DOCUMENT NO. 03388-07)

On March 30, 2007, BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida") filed its Notice of Intent to Request Specified Confidential Classification for portions of its response to Staff's First Data Request ("Document No. 02771-07"). As part of its response, AT&T Florida provided attachments that it purports to contain confidential cost information.

On April 20, 2007, AT&T Florida filed its Request for Specified Confidential Classification for certain information contained in Document No. 02771-07. Attached to AT&T Florida's request was another copy of the confidential attachments later identified as Document No. 03388-07. Attachment A, attached hereto and incorporated herein, contains a detailed justification of the confidentiality of the information at issue. Furthermore, AT&T Florida states that it treats this information as confidential and that it has not otherwise been released.

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 ("F.A.C."), 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 ("F.S."), 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), F.S., 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.

DOCUMENT NUMBER-DATE

09536 OCT 18 07

FPSC-COMMISSION CLERK

Based on the definition of proprietary confidential business information in Section 364.183(3), F.S., it appears that the material described herein is proprietary business information in accordance with Section 364.183, F.S., and Rule 25-22.006, F.A.C. Disclosure of this information would harm AT&T Florida by giving its competitors an unfair advantage in developing their own competitive strategies. As such, AT&T Florida's Request for Specified Confidential Classification for the information contained in Document No. 02771-07 (x-ref Document No. 03388-07) is hereby granted.


Based on the foregoing, it is

ORDERED by Commissioner Katrina J. McMurrian, as Prehearing Officer, that BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Request for Specified Confidential Classification of Document No. 02771-07 (x-ref Document No. 03388-07), as set forth in Attachment A, which is attached hereto and incorporated herein, 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 Commissioner Katrina J. McMurrian, as Prehearing Officer, this 18th day of October, 2007.


KATRINA J. McMURRIAN
Commissioner and Prehearing Officer

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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 25-22.060, 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.

ATTACHMENT A

AT&T Florida
FPSC Dkt No. 060476-TL
Request for Confidential Classification
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4/20/07

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF AT&T FLORIDA'S
RESPONSE TO STAFF'S FIRST DATA REQUEST, FILED MARCH 30, 2007**

Explanation of Proprietary Information

1. This information contains cost information for the items under study. Public disclosure of this information would provide AT&T Florida's competitors with an advantage in that they would know AT&T Florida's costs for providing the service. The data is valuable to competitors and potential competitors in formulating strategic plans for entry, pricing, marketing, and overall business strategies concerning these services. This same information on competitors is not available to AT&T Florida. This information is valuable, it is used by AT&T Florida in conducting its business and AT&T Florida strives to keep it secret. Therefore, such information is a trade secret which should be classified as proprietary, confidential business information pursuant to Section 364.183, Florida Statutes and is exempt from the Open Records Act.

Response to Data Request

<u>Location</u>	<u>Reason</u>
Page 2, Lines 1,3,4,7,8,13,15,16,19,20	1
Page 3, Lines 1,3,4,7,8	1

Response to Data Request ATTACHMENT

<u>Location</u>	<u>Reason</u>
Pages 1, 2 and 3, Direct Cost Columns	1