

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by DPI-Teleconnect, L.L.C.  
against BellSouth Telecommunications, Inc.  
for dispute arising under interconnection  
agreement.

DOCKET NO. 050863-TP  
ORDER NO. PSC-07-0895-CFO-TP  
ISSUED: November 5, 2007

ORDER GRANTING BELLSOUTH TELECOMMUNICATIONS, INC. D/B/A AT&T  
FLORIDA'S REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION OF  
DOCUMENT NO. 08633-07 (X-REF. DN 08939-07)

On November 10, 2005, dPi-Teleconnect, L.L.C. (dPi) filed its Complaint against BellSouth Telecommunications, Inc. d/b/a AT&T Florida (AT&T) for a dispute arising under its interconnection agreement. A Second Order Modifying Procedure, Order No. PSC-07-0814-PCO-TP, was issued on October 10, 2007, establishing a November 30, 2007, hearing date.

On September 28, 2007, AT&T filed a request for specified confidential classification. In its request, AT&T seeks confidential classification of information contained in FPSC Document Number 08633-07 (X-Ref. DN 08939-07), which is AT&T's Responses to Staff's Second Request for Production of Documents Nos. 7-11. AT&T asserts that Document Number 08633-07 (X-Ref. DN 08939-07) is comprised of certain portions of the response to Request Number 10 and contains confidential information pursuant to Section 364.183(3)(e), Florida Statutes, and Section 364.24, Florida Statutes. Attachment A to this Order contains a detailed justification of the confidentiality of the information at issue. AT&T asserts that this information is treated as confidential and has not otherwise been released.

Florida law presumes that documents submitted to governmental agencies shall be public record. 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

DOCUMENT NUMBER-DATE

10044 NOV-5 5

FPSC-COMMISSION CLERK

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 Section 364.183(3), Florida Statutes, it appears that the material described herein is proprietary and should be granted confidential status. Disclosure of this information would cause harm to the company and its customers. As such, AT&T's Request for Specified Confidential Classification of certain information contained in FPSC Document Number 08633-07 (X-Ref. DN 08939-07) 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 Number 08633-07 (X-Ref. DN 08939-07), as set forth in Attachment A, is granted. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of 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 5th day of November, 2007.

  
KATRINA J. McMURRIAN  
Commissioner and Prehearing Officer

( S E A L )

TLT

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.

**AT&T FLORIDA  
FPSC DOCKET NO. 050863-TL  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
PAGE 1 OF 1  
9/28/2007**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF AT&T FLORIDA'S  
RESPONSE TO STAFF'S SECOND REQUEST FOR DOCUMENTS, NO. 10,  
FILED SEPTEMBER 19, 2007 IN FLORIDA DOCKET NO. 050863-TL**

**Explanation of Proprietary Information**

1. This information contains customer specific information. Specifically, this information reflects customer telephone numbers. 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. Therefore, such information should be classified as proprietary, confidential business information pursuant to Section 364.183(3)(e), Florida Statutes and is exempt from the Open Records Act.

ORDER NO. PSC-07-0895-CFO-TP  
DOCKET NO. 050863-TP  
PAGE 5

**ATTACHMENT A**

**AT&T FLORIDA  
FPSC DOCKET NO. 050863-TL  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
PAGE 1 OF 1  
9/28/2007**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF AT&T FLORIDA'S  
RESPONSE TO STAFF'S SECOND REQUEST FOR DOCUMENTS, NO. 10,  
FILED SEPTEMBER 19, 2007 IN FLORIDA DOCKET NO. 050863-TL**

**POD NO. 10**

Location

Reason

All Pages; Column: Earning Telephone Number

1