

MEMORANDUM

January 7, 1998

**RECEIVED**

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1:55  
FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (B. KEATING) *BK*

RE: DOCKET NO. 921074-TP - PETITION OF INTERMEDIA COMMUNICATIONS OF FLORIDA, INC. FOR EXPANDED INTERCONNECTION FOR AAVS WITHIN LEC CENTRAL OFFICES

PSC - 98-0057-CFO-TP

Attached is an ORDER GRANTING BELLSOUTH TELECOMMUNICATIONS, INC.'S REQUESTS FOR CONFIDENTIAL TREATMENT OF DOCUMENT NOS. 10821-91, 11618-95, 11421-95, 11620-95 AND 12294-95 to be issued in the above-referenced docket. (Number of pages in Order - 5)

BK/anr  
Attachment  
cc: Division of Communications  
I: 921074B2.bk

**MUST GO TODAY**

*forwarded 2/4/2.  
walled-*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Intermedia  
Communications of Florida, Inc.  
for expanded Interconnection for  
AAVS within LEC Central Offices.

DOCKET NO. 921074-TP  
ORDER NO. PSC-98-0057-CFO-TP  
ISSUED: January 8, 1998

ORDER GRANTING BELL SOUTH TELECOMMUNICATIONS, INC.'S REQUESTS  
FOR CONFIDENTIAL TREATMENT OF DOCUMENT NOS. 10821-91,  
11618-95, 11421-95, 11620-95 AND 12294-95

On October 16, 1992, Intermedia Communications of Florida, Inc. (Intermedia or ICI) filed a petition seeking authorization for Alternative Access Vendors (AAVs) to provide certain services through collocation arrangements in local exchange company (LEC) central offices. In order to address Intermedia's petition, broader questions regarding private line and special access expanded interconnection had to be resolved. In Phase I of this proceeding we addressed expanded interconnection for special access and private line. Phase II was devoted to expanded interconnection for switched access.

On November 20, 1995, BellSouth Telecommunications, Inc. (BellSouth) filed a request for confidential classification of some of data filed in support of its switched access local transport services tariffs, Document No. 11618-95 and referenced Document No. 10821-95. BellSouth states that this information reflects the costs and financial contributions to BellSouth for providing switched access local transport services and that BellSouth treats this information as proprietary confidential business information pursuant to Section 364.183, Florida Statutes. On December 7, 1995, BellSouth filed a request for confidential classification of certain cost information, demand data, and contribution analyses for BellSouth's LTR and expanded interconnection services, Document No. 12294-95, and referenced Document Nos. 11421-95 and 11620-95. BellSouth asserts that this information is not readily available outside the company and that BellSouth treats this information as proprietary confidential business information.

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

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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.

Specifically, with regard to Document Nos. 11618-95 and 10821-95, BellSouth requests confidential treatment of the information on pages F10C05Z 0000003-4, in Columns A, B, and C; pages 0000005-6, Columns A and B; page 0000010, Lines 14, 15, 17, 19, 27, 29, 31, and 33; page 0000011, lines 10, 13, and 16; pages 0000012-22, Columns C, D, and F-I; pages 0000024-25, Column A; pages 0000030 and 0000033, Lines A, B, and D-G; page 0000031, Lines 9-11, 13-16, 21-26, 28-31, and 36-41; page 0000032, Columns B, D, and Lines 19, 21, and 22; page 0000034, Lines 7, 8, 16-18, 23, 28, 39-41, 46, and 51; page 0000035, Lines 11-16, and Columns A-L; page 0000036, Lines 4, 5, and 17-19; page 0000037, Columns A-E, G, H, and J-L; page 38, Columns Investment and A-K; pages 0000045, 53, 62, and 71, Line 9; pages 0000046, 54, 63, and 72, Columns A, C, D, E, G, I, K, M, O, and P; page 0000047, 55, 64, and 73, Columns A, B, D, -H, J, L, N, P, R, and S; pages 0000048, 56, 65, and 74, Line 9, and Columns II, IV, V, A, C, E, G, I-K, M, and N; pages 0000049, 57, 66, and 75, Columns A-E; pages 0000052, 60, 69, and 78, Columns B-D; pages 0000061, 70 and 79, Columns C-D; page 0000081, Columns B-C; pages 0000082 and 83; Columns A, C, E, G, I, K-M, O, and P; page 0000087, Lines 5, 6, and 8; page 0000091, Columns A-E; page 0000092, Columns C-E; pages 0000093 and 94, Columns A-G; page 0000095, Columns A-G, and Lines 39-42; and pages 0000096 and 97, Columns A-F.

BellSouth asserts that this information reflects BellSouth's cost to provide certain services. BellSouth states that disclosure of this information would allow BellSouth's competitors to determine the price or rate below which BellSouth could not provide the service. BellSouth asserts that if its competitors had this information, they would have an unfair competitive advantage over BellSouth. BellSouth further asserts that it treats this information as valuable, confidential business information.

Regarding Document Nos. 12294-95, 11421-95, and 11620-95, BellSouth seeks confidential treatment of the information on page F10C05Z 0000113, Lines 6-10 of Columns A and B; Lines 14-19 of Columns A, B, and C; and Lines 24-36 of Columns A and B; on page F10C05Z 0000114, in Lines 9-16 of Columns A and B; on pages 1-4,

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Lines 11-20 of Columns B, D, E, and F; and on page 5-7, Lines 6-11 and 21-26 of Columns A and B.

BellSouth asserts that this information reflects BellSouth's cost to provide certain services. BellSouth states that disclosure of this information would allow its competitors to have an unfair competitive advantage over BellSouth because the competitors would be able to determine the price or rate below which BellSouth could not provide these services. In addition, BellSouth asserts that the disclosure of the contribution levels for the components of Local Transport and Virtual Expanded Interconnection (VEIS) services would reveal the cost of providing those services, and in the case of VEIS, would impair BellSouth's ability to negotiate pricing on favorable terms. BellSouth adds that it is not able to obtain its competitors' costs to provide service, therefore, it would be unfair to allow its competitors to have access to BellSouth's cost information. BellSouth further asserts that this information has not been previously disclosed and that BellSouth treats it as confidential business information.

Upon review, the material is found to be proprietary business information in accordance with Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. Disclosure of this information would impair BellSouth's ability to compete. As such, it shall be granted confidential treatment.

Based on the foregoing, it is therefore

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s November 20, 1995, Request for Confidential Classification of Document No. 11618-95, and referenced Document No. 10821-95, is hereby granted. It is further

ORDERED that BellSouth Telecommunications, Inc.'s December 7, 1995, Request for Confidential Classification of Document No. 12294-95, and referenced Document Nos. 11421-95 and 11620-95, is hereby 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 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

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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 J. Terry Deason, as Prehearing Officer, this 8th day of January, 1998.

  
J. TERRY DEASON, Commissioner and  
Prehearing Officer

( S E A L )

BK

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.

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, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060,

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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.