

**BellSouth Corporation**  
**Legal Department**  
675 West Peachtree Street  
Suite 4300  
Atlanta, GA 30375-0001

richard.sbaratta@bellsouth.com

**Richard M. Sbaratta**  
Senior Regulatory Counsel

404 335 0738  
Fax 404 614 4054

August 2, 2002

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
The Portals, 445 12<sup>th</sup> Street, S. E.  
Room TW-B204  
Washington, D.C. 20554

Re: BellSouth Telecommunications, Inc. Request for Confidential Treatment  
of Information Filed in Support of its Petition for Pricing  
Flexibility for certain special access and dedicated transport services

Dear Ms. Dortch:

On this date BellSouth Telecommunications, Inc. ("BellSouth") is filing a Petition for Pricing Flexibility for certain special access and dedicated transport services ("Petition") as authorized by the Commission's order, which provides guidelines enabling price cap local exchange carriers under certain conditions to obtain relief from regulatory requirements for services subject to significant competition. *In the Matter of Access Charge Reform, et al.*, CC Docket Nos. 96-262, *et al.*, *Fifth Report and Order and Further Notice of Proposed Rulemaking*, 14 FCC Rcd 14221 (1999) ("*Pricing Flexibility Order*"). In the Petition, BellSouth demonstrates that it meets the criteria to obtain *Phase I* and *Phase II* relief for the provision of enumerated services in seven (7) Metropolitan Statistical Areas ("MSAs") and two (2) non-MSA areas.

In addition to providing a summary of the relief sought by qualifying services and MSA, Attachment 2 to the Petition displays revenues at the MSA level for the services that are the subject of the Petition. BellSouth considers such disaggregated revenues to be confidential business information, the disclosure of which would subject BellSouth to competitive harm. Specifically, disclosure of this disaggregated revenue information would provide BellSouth's competitors valuable market information that would enable competitors to identify BellSouth's most lucrative markets within a state and to target their business planning efforts accordingly. BellSouth would be exposed to the potential for significant revenue loss arising from the unfair advantage that BellSouth's competitors would gain by disclosure of BellSouth's confidential information.

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Accordingly, BellSouth requests that the Commission withhold the disaggregated revenue data from public disclosure. Exemption 4 of the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552(b)(4), and applicable judicial precedent protect from public disclosure confidential business information such as the disaggregated revenue data. *See Critical Mass Energy Project v. NRC*, 830 F.2d 278 (D.C. Cir. 1987); *National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974) (commercial information should be protected if disclosure would create a likelihood of substantial competitive harm).

Attachment 3 of the Petition contains detailed documentation by MSA, including the identity of specific service providers who have collocated their facilities in wire centers within the MSAs and non-MSA areas for which relief is sought. It is BellSouth's opinion that this data represents confidential carrier information which is known to BellSouth by virtue of this company's provision of collocation services and which is subject to limitations on use and disclosure under the terms of Section 222(b) of the Communications Act, as amended, 47 U.S.C. § 222(b).

Moreover, this data reveals market concentration and, by inference, strategic planning of individual carriers. As such, it constitutes sensitive commercial information entitled to protection under Exemption 4 of FOIA.

Within BellSouth access to collocation data is restricted. Paper applications are stored in an area requiring keycard access. Electronic applications are stored in a password protected, secured database. Passwords are given on a need-to-know basis. In addition, BellSouth employees are required to execute a nondisclosure agreement as a condition to receiving database access.

Attachment 3 also contains revenue data for each MSA, further disaggregated by wire center. This revenue data should be withheld from public disclosure for reasons cited previously.

The confidential business information described above should be withheld from public disclosure as long as it would provide a basis for competitors to gain insight into the strategic planning of other carriers and the relative attractiveness of BellSouth's markets, respectively. BellSouth cannot determine at this time any date on which this information would cease to be valuable for these purposes.

Accordingly, BellSouth is filing a version of its Petition, designated via the Commission's Electronic Tariff Filing System ("ETFS") as "For Public Inspection," from which it has redacted from Attachments 2 and 3 all information that would identify the confidential business information described above. Concurrently, BellSouth is filing a complete copy of the Petition and Attachments thereto, including such confidential information, designated as "NOT for Public Inspection." In accordance with Sections 0.457 and 0.459 of the Commission's Rules,

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47 C.F.R. §§ 0.457 and 0.459, BellSouth respectfully requests that the material for which confidential treatment is requested be maintained in confidence by the Commission and withheld in its entirety from the public record compiled in this proceeding.

I will be pleased to respond to any questions you may have concerning this request.

Respectfully submitted,

/s/ Richard M Sbaratta

Richard M. Sbaratta