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Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
The Portals, 445 12th 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 *Phase I* Pricing
Flexibility for Switched Services

Dear Ms. Dortch:

On this date, BellSouth Telecommunications, Inc. ("BellSouth") is filing a Petition for *Phase I* Switched Services Pricing Flexibility ("Petition"). The Petition is in accordance with Rules 47 C.F.R. §§ 1.774 and 69.701 *et seq.*, and with the Commission's order setting forth the requirements for price cap local exchange carriers 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* relief for the provision of enumerated services in thirty-four (34) Metropolitan Statistical Areas ("MSAs") and two (2) non-MSA areas.

In conformity with the requirements of the *Pricing Flexibility Order*, Exhibit A of the supporting documentation identifies for each MSA and non-MSA the competing providers of local exchange service ("CLECs") that have collocated their facilities and/or that have switches in wire centers associated with the areas for which relief is sought. BellSouth believes that this data represents confidential carrier information that is known to BellSouth by virtue of its provision of collocation services, and which is subject to the limitations on use and disclosure set forth in 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 the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552(b)(4), and applicable judicial precedent. *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).

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.

In addition to collocation and switch data, Exhibit A provides for each area the location counts by class of customer at the wire center level. Disclosure of this confidential and proprietary information could substantially harm the competitive position of BellSouth by assisting competitors in their analysis of market opportunities and preparation of marketing strategies to use in direct competition with BellSouth. Data of this type is not typically released outside the company or made public by BellSouth and has previously been the subject of a Protective Order issued by the Commission. *In the Matter of Federal-State Joint Board on Universal Service and Forward-Looking Mechanism for High Cost Support for Non-Rural LECs*, CC Docket Nos. 96-45 and 97-160, *Protective Order*, 13 FCC Rcd 13910 (1998).

Finally, Exhibit A also contains for each area the line counts for unbundled network element ("UNE") loops and ported number counts. Information is shown at the wire center level. This data is obtained by BellSouth through the provision of telecommunications services and constitutes aggregate customer information ("CPNI") that is subject to certain restrictions on use and disclosure pursuant to Section 222(c)(3), 47 U.S.C. § 222(c)(3). Within BellSouth, access is routinely limited. No employee may obtain information related to UNE loop counts until he/she has completed CPNI training and signed a nondisclosure agreement. In addition, database access requires a password, which is assigned only with supervisory approval. Disclosure of loop count data is also restricted to employees who have met the above-noted requirements for database access. Information on ported number counts resides in a proprietary database that is part of BellSouth's "tightly controlled network," consisting of switching network elements and support systems that control provisioning of those elements. Access to any portion of this system requires the appropriate right-to-use classification and a valid password.

At the request of state and federal regulators, BellSouth, on occasion, has provided UNE loop and ported number counts at the state level. This information has not been disclosed at the wire center level. Similarly, BellSouth has provided state and federal regulators with a state-level count of collocation arrangements. This information has not previously been disclosed at the wire center level nor has BellSouth identified those CLECs who have obtained collocation arrangements.

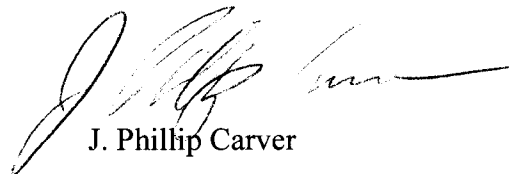
The confidential business information described above should be withheld from public disclosure as long as it would provide a basis for competitors to gain insight into the strategic planning of other carriers and the relative attractiveness of BellSouth's markets, respectively. BellSouth cannot determine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

The above-described confidential information is identical in type to confidential information that supported the Petition for Phase I Pricing Flexibility For Switched Access Services, CCB/CPD file No. 00-21, that BellSouth filed on August 28, 2000.¹ On that same date, BellSouth requested confidential treatment of the confidential information that supported this previous Petition. The Commission granted BellSouth's request for confidential treatment on August 31, 2000. *In the Matter of BellSouth Telecommunications, Inc.'s Petition for Pricing Flexibility for Special Access and Dedicated Transport Services; BellSouth Telecommunications, Inc.'s Petition for Pricing Flexibility for Switched Access Services*, CCB/CPD File Nos. 00-20 & 00-21, *Protective Order*, 15 FCC Rcd 19024 (2000).

Accordingly, BellSouth is filing a version of its Petition, designated via the Commission's Electronic Tariff Filing System ("ETFS") as "For Public Inspection." BellSouth has redacted from Exhibit A of this version of the Petition all confidential business information for each MSA/Non-MSA area. Concurrently, BellSouth is filing a complete copy of the Petition and Attachments thereto, including the confidential information, designated as "NOT for Public Inspection." In accordance with Sections 0.457 and 0.459 of the Commission's Rules, 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,



J. Phillip Carver

¹ BellSouth filed an Amended Petition for Phase I Pricing Flexibility for Switched Access Services on September 1, 2000 in order to retransmit three files that were corrupted in transmission in ETFS on August 28, 2000.