

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: An Investigation into the State-) DOCKET NO. 880423-TP
 wide Offering of Access to the Local) ORDER NO. 20747
 Network for the Purpose of Providing) ISSUED: 2-15-89
 Information Services)

ORDER REGARDING CONFIDENTIALITY

Pursuant to Rules 25-22.006(4) and 25-22.006(5)(b), Florida Administrative Code, Southern Bell Telephone & Telegraph Company (Southern Bell) has requested specified confidential treatment for certain filings in the above docket before the Florida Public Service Commission. Specifically, Southern Bell seeks specified confidential treatment for late filed Exhibit No. 4 to the deposition of Mr. Robert Bolt, a witness in these proceedings. The exhibit contains data relating to the cost of the local access link or local loop in Southern Bell's network. The data provided relates to these costs under the ESSX tariff.

ESSX is a bundle of central office-based services that are offered in the competitive PBX market. According to Southern Bell, disclosure of this information to competitors would likely cause it harm by disclosing its cost to offer ESSX. Southern Bell further argues that this data has been previously ruled confidential in Order No. 19913.

Section 364.183(3), Florida Statutes, defines proprietary confidential business information as, among other things, trade secrets and, information concerning bids or other contractual data, the disclosure of which would impair the efforts of the utility to contract for services on favorable terms.

The local loop is a monopoly offering by the company. There will be no competition to provide this service to information service providers (ISPs). Moreover, the data at issue is not so unique as to qualify as a trade secret. I find therefore that the late filed Exhibit No. 4 in Mr. Robert Bolt's deposition is neither a trade secret or data which, if disclosed, could harm Southern Bell's ability to function as the provider of the local loop.

In Order No. 19913, Southern Bell was granted confidential treatment for the aggregate and detailed reporting of the actual cost of components in the ESSX bundle since this fully distributed cost data would have allowed competitors to derive the cost of service for the ESSX bundle. I find that reporting the cost of a single, monopoly element of ESSX, while retaining the confidentiality of the cost of the remaining elements, will not allow the competitors of the ESSX service to derive the cost to provide the bundle.

Based upon the foregoing and an examination of the document identified in the above-referenced Request for Specified Confidential Treatment, I find that said document does not contain confidential information which, if released, could affect the ability of Southern Bell to contract for the provision of the local loop to ISPs. Nor would disclosure cause a competitive detriment in its ability to contract for ESSX services.

DOCUMENT NUMBER-DATE

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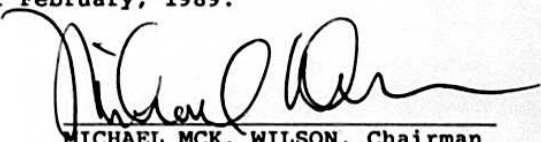
This is a tentative ruling regarding the confidential nature of information that is the subject of the above-described Request filed with the Florida Public Service Commission in the above docket. In the absence of a protest to this Order, this ruling will serve as a final determination with respect to the confidentiality of the matters described herein.

In consideration of the above, it is

ORDERED that the Request for Specified Confidential Treatment specified above is denied for the filing identified. The filing so identified shall not be exempt from the requirements of Section 119.07(1), Florida Statutes. It is further

ORDERED that if, pursuant to Rule 25-22.006(2)(f), Florida Administrative Code, a protest is filed within fourteen (14) days of the date of this Order, it will be resolved by the appropriate Commission panel pursuant to Rule 25-22.006(3)(d), Florida Administrative Code.

By ORDER of Chairman Michael Mck. Wilson, as Prehearing Officer, this 15th day of February, 1989.



MICHAEL MCK. WILSON, Chairman
and Prehearing Officer

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