

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by Union County Board) DOCKET NO. 881547-TL
of County Commissioners for Extended)
Area Service Between Union County and) ORDER NO. 21162
Gainesville Exchange)
_____) ISSUED: 5-4-89

ORDER REGARDING CONFIDENTIALITY

Pursuant to Rule 25-22.006(4), Florida Administrative Code, Southern Bell Telephone and Telegraph Company (Southern Bell) has requested specified confidential treatment for certain filings in the above docket before the Florida Public Service Commission.

In Order No. 20511, Southern Bell was required by this Commission to file a traffic study summarizing the calling patterns experienced over the route for which extended area service (EAS) is requested herein. On March 13, 1989, Southern Bell filed the required traffic study, along with a letter requesting confidential status. The request stated that service over the route in question is subject to competition and the information contained in the study is "highly valuable competitive information." For this reason, it is claimed, disclosure of the information would adversely affect the carrier. Additionally, Southern Bell maintains that it acts as a custodian for the interexchange carrier (IXC) responsible for the interLATA traffic and receives such traffic data from the IXC with the express understanding that such data should be protected from public disclosure due to its proprietary confidential nature.

Pursuant to Section 119.07(1), Florida Statutes, all company data provided to this Commission shall become public record unless specifically exempted. An exemption broadly defined in Section 119.07(3) is that of confidential information. Section 364.183(3), Florida Statutes, generally 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.

Initially, it is notable that Southern Bell has not alleged that disclosure of this study would impair its efforts to contract for service on favorable terms. Moreover, the data requested in Order No. 20511 would not generally be of a confidential nature. Based upon an examination of the document identified in the above-referenced Request for Specified Confidential Treatment, I find that said document does not contain information which, if released, could affect the ability of Southern Bell to contract for and provide service on favorable terms. Nor do I find that the data is so unique as to be considered a trade secret. Thus, the Request should be denied since the document holds no confidential information.

As to the IXC, in this case AT&T Communications of the Southern States, Southern Bell may not maintain a Request for Confidential Treatment on its behalf. Once notice is given by

DOCUMENT NUMBER-DATE

04489 MAY-4 1989

FPSC-RECORDS/REPORTING

Southern Bell that data will be filed with the Commission, the IXC as owner or "source" of this data, must file the request to have it exempted from the public records laws. See Rules 25-22.006(1)(i) and 25-22.006(4)(c), Florida Administrative Code.

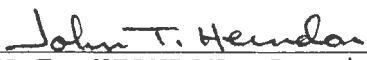
This is a tentative ruling regarding the confidential nature of information filed with the Florida Public Service Commission in the above dockets. In the absence of a protest to this Order, this ruling will serve as a final determination with respect to the confidentiality of the matters in issue.

In consideration of the above, it is

ORDERED that the Request for Specified Confidential Treatment filed by Southern Bell Telephone and Telegraph Company, is hereby denied for the filing identified herein. 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 Commissioner John T. Herndon, as Prehearing Officer, this 4th day of MAY, 1989.



JOHN T. HERNDON, Commissioner
and Prehearing Officer

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