

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. 22319
Gainesville exchange)
ISSUED: 12-19-89

ORDER GRANTING SPECIFIED CONFIDENTIAL TREATMENT

This docket was initiated upon a resolution filed with this Commission by the Union County Board of County Commissioners. This resolution requested that we consider requiring implementation of extended area service (EAS) between Union County and the Gainesville exchange. By Order No. 20511, issued December 23, 1988, we directed ALLTEL Florida, Inc. (ALLTEL) and Southern Bell Telephone and Telegraph Company (Southern Bell) to perform traffic studies between the Lake Butler and Raiford exchanges, located in Union County, and the Gainesville exchange, located in Alachua County. We ordered the companies to perform these traffic studies so that we could further evaluate the EAS request contained in the resolution. The Lake Butler and Raiford exchanges are served by ALLTEL, while Southern Bell serves the Gainesville exchange. In addition to involving intercompany routes, this request also involves interLATA (local access transport area) routes. The Lake Butler and Raiford exchanges are located in the Jacksonville LATA, while the Gainesville exchange is located in the Gainesville LATA.

On February 24, 1989, ALLTEL filed the required traffic studies, along with a request for confidential treatment of certain portions of the data. By Order No. 21158, issued May 3, 1989, we denied ALLTEL's request. On March 13, 1989, Southern Bell filed the required traffic studies, also along with a request for confidential treatment of certain portions of the data. By Order No. 21162, issued May 4, 1989, we denied Southern Bell's request. Both of the Orders denying confidential treatment have been protested. Southern Bell filed its protest on May 18, 1989. ALLTEL filed its protest on May 24, 1989, along with a Request to Accept Late Filed Protest. Additionally, on May 17, 1989, AT&T Communications of the Southern States, Inc. (ATT-C) filed its protests to both of these Orders.

After we received the initial traffic study data, our staff determined that further traffic studies were needed in order to properly evaluate the pending EAS request.

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Specifically, traffic studies were needed for the exchanges physically located between Union County and the Gainesville exchange. Therefore, on May 5, 1989, we issued Order No. 21169, by which we directed ALLTEL to perform traffic studies between the Lake Butler and Raiford exchanges, located in Union County, and the Alachua and Brooker exchanges. The Alachua exchange is located in Alachua County, while the Brooker exchange is located in both Alachua and Bradford Counties. ALLTEL was ordered to prepare and submit the studies to us within sixty (60) days of the issuance of Order No. 21169, making this second set of traffic studies due by July 5, 1989.

On July 5, 1989, ALLTEL filed a Motion for Extension of Time, requesting an extension through and including August 4, 1989, in which to finish preparing and to submit the second set of required traffic studies. By Order No. 21533, issued July 12, 1989, we granted ALLTEL's request.

On August 4, 1989, ALLTEL filed the second set of required traffic studies. No request for specified confidential treatment accompanied this filing. On August 16, 1989, ALLTEL filed a request for confidential treatment of the interLATA data included in the August 4th filing, along with appropriately edited copies of the August 4th filing.

In its filing of August 16, 1989, ALLTEL has requested specified confidential treatment of only the data which represents a quantification of traffic along interLATA routes. In that respect, it is the same as ALLTEL'S filing of February 24, 1989, and Southern Bell's filing of March 13, 1989. Upon review of the protests filed by ALLTEL, Southern Bell, and ATT-C, as well as ALLTEL's most recent filing, I am persuaded that specified confidential treatment should be granted to the interLATA traffic data contained in all three of these filings. The routes at issue are competitive routes and disclosure of the traffic numbers would aid present and future competitors to the detriment of those carriers presently providing service along these routes. The data was obtained by the local exchange companies (LECs) through billing and collection services provided to the interexchange carriers (IXCs). Contracts between the LECs and the IXCs also require the LEC to keep this information confidential, thus lending further support to the premise that this data is proprietary. Additionally, the traffic data is an important tool in LEC network planning which, if withheld, would force the LEC to

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incur considerable additional expense to compile this information on its own.

For all the above reasons, I find the traffic data for the interLATA routes in this docket submitted by ALLTEL on February 24, 1989, and August 16, 1989, and submitted by Southern Bell on March 13, 1989, to be proprietary confidential business information pursuant to Section 364.183, Florida Statutes.

Based on the foregoing, it is

ORDERED by Commissioner John T. Herndon, as Prehearing Officer, that the requests for specified confidential treatment filed by ALLTEL Florida, Inc. on February 24, 1989, and August 16, 1989, and by Southern Bell Telephone and Telegraph Company on March 13, 1989, are hereby afforded specified confidential treatment pursuant to Rule 25-22.006, Florida Administrative Code, and Section 364.183, Florida Statutes, for the reasons set forth above. It is further

ORDERED that the protests filed by AT&T Communications of the Southern States, Inc. on May 17, 1989, by Southern Bell Telephone and Telegraph Company on May 18, 1989, and by ALLTEL Florida, Inc. on May 24, 1989, are hereby granted to the extent outlined in the body of this Order. It is further

ORDERED that Order No. 21158, issued May 3, 1989, and Order No. 21162, issued May 4, 1989, are hereby reversed to the extent indicated in the body of this Order.

By Order of Commissioner John T. Herndon, as Prehearing Officer, this 19th day of DECEMBER, 1989.

John T. Herndon
John T. Herndon, Commissioner
and Prehearing Officer

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 25-22.038(2), 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 sewer 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, 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.