

BEFORE THE PUBLIC SERVICE COMMISSION

In Re: Petitions of SOUTHERN ) DOCKET NO. 880069-TL  
BELL TELEPHONE AND TELEGRAPH ) ORDER NO. PSC-92-0711-CFO-TL  
COMPANY for rate ) ISSUED: 07/28/92  
stabilization and )  
implementation orders and )  
other relief. )  
\_\_\_\_\_ )

ORDER GRANTING SPECIFIED CONFIDENTIAL  
TREATMENT OF DOCUMENTS NO. 9377-91, 8406-91 AND 7903-91

I. Introduction

Florida law provides, in Section 119.03, Florida Statutes, that documents submitted to governmental agencies shall be public records. This law derives from the concept that government should operate in the "sunshine." The only exceptions to this law are specific statutory exemptions and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision.

Accordingly, pursuant to Section 364.183, Florida Statutes and Rule 25-22.006, Florida Administrative Code, it is the Company's burden to show that the material submitted is qualified for specified confidential classification. Rule 25-22.006 provides that the Company may fulfill its burden by demonstrating that the documents fall into one of the statutory examples set forth in Section 364.183 or by demonstrating that the information is proprietary confidential information, the disclosure of which will cause the Company or its ratepayers harm.

II. Document No. 9377-91

On July 26, 1991, the Florida Public Service Commission (the Commission), requested that Southern Bell furnish, on diskettes, information regarding (1) the intraLATA toll revenue received by Southern Bell for toll traffic carried wholly within Southern Bell's certificated service area, (2) the intraLATA toll revenue received by Southern Bell for toll traffic between Southern Bell and independent company service areas (as well as information regarding the access charges paid to independents), (3) the access charges received by Southern Bell for that same type of traffic, and (4) certain other information concerning traffic patterns in specified areas of the state. In response to these requests, Southern Bell prepared three diskettes to be submitted to the Commission.

On September 20, 1991, Southern Bell filed its Notice of Intent to Request Specified Confidential Classification for the

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information contained on the diskettes. With its filing, Southern Bell allowed the Commission to take possession of the diskettes (Document No. 9377-91).

On October 11, 1991, Southern Bell filed "SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION AND MOTION FOR PERMANENT PROTECTIVE ORDER FOR INFORMATION REQUESTED BY THE STAFF OF THE FLORIDA PUBLIC SERVICE COMMISSION." The information for which Southern Bell is requesting confidentiality is contained in Document 9377-91.

Document No. 9377-91 consists of the three diskettes filed in response to staff's request. The information contained on the diskettes consists of traffic information for all intraLATA toll routes originating and/or terminating in Southern Bell's territory. The information is provided in a series of Lotus spreadsheet files. Attachment A is an example of the format of these files. Columns A through F of these spreadsheets contain information such as the exchange names and route mileages that are not confidential. These columns contain data on the number of messages, minutes, and revenues on each route. Attachment B is a list of the specific cells, filenames, and diskettes for which the Company has requested confidentiality.

Southern Bell's general basis for seeking confidential treatment for the toll route data is its belief that the disclosure of the information would cause unnecessary harm to the Company's ratepayers and to the Company's business operations through competitive losses. Specifically, the Company argues that:

In view of the impending termination of the current intraEAEA toll monopolies, information of this detail is clearly proprietary. Any competitor or potential competitor for intraEAEA traffic would benefit from possession of this information. Possession of this information would assist Southern Bell competitors in identifying which particular toll routes are profitable and where to focus facility expansion and marketing efforts. If this information were allowed to be released in the public domain, Southern Bell's revenues could well be diminished with a resulting shortfall that would work to the obvious detriment of Southern Bell's ratepayers as well as harm the competitive position of Southern Bell in the provision of intraLATA toll services.

Additionally, the Company asserts that in accordance with Rule 25-22.006, Florida Administrative Code, the information for which confidential treatment is sought is intended to be and is treated

by the Company as private and has not been disclosed on a nonconfidential basis.

Upon review of this request, we find that Southern Bell has met its burden, and the information sought by Southern Bell to be protected should be provided confidential treatment. Furthermore, the Commission has previously granted confidential treatment for this type of information in Docket No. 910179-TL. Accordingly, we agree that this information should be exempt from the requirements of Section 119.07(1), and that Southern Bell's request for confidentiality for the specific files and spreadsheet cells listed on Attachment B should be granted.

III. Documents No. 8406-91 and 7903-91

Between June 25, 1991 and July 30, 1991, the Florida Public Service Commission (the Commission) conducted an audit regarding Southern Bell's Surveillance Report for the period ending December 31, 1990.

On July 30, 1991, the Commission conducted an audit exit conference and requested that Southern Bell provide certain confidential information. Confidential status was requested by Southern Bell for certain information in the surveillance audit report workpapers Southern Bell submitted to the Commission on August 6, 1991. These workpapers were assigned Document No. 7903-91.

On August 16, 1991, Southern Bell filed its Notice of Intent to Request Confidential Classification and Motion to File Its Notice of Intent Out of Time.

On August 20, 1991, Southern Bell filed "Southern Bell Telephone and Telegraph Company's Request for Confidential Classification and Motion for Permanent Protective Order of Information Requested by the Audit Staff on July 30, 1991." With this request, Southern Bell filed the workpapers for which confidential status was again requested. These workpapers were identical to Document No. 7903-01 and were assigned Document No. 8406-91. Southern Bell claims confidential classification for certain information contained in the Staff's audit workpapers is appropriate. Specifically, Southern Bell asserts:

This information relates to competitive interests and/or unregulated operations, the disclosure of which would impair the competitive business and/or unregulated operations of Southern Bell. As such, this information

is classified as confidential business information pursuant to Section 364.183, Florida Statutes, and is exempt from the Open Records Act.

Upon review of the information in question, we find that it should be accorded confidential status. We agree with Southern Bell that the material relates to competitive interests and unregulated operations and that disclosure could adversely affect Southern Bell's competitive business and unregulated operations, and thus meet the requirements of Section 364.183(3)(e), Florida Statutes. However, we also note that Southern Bell's explanation as to why the information sought to be protected should be granted confidential treatment is conclusory and not demonstrative as required. Nonetheless, we believe this information should be exempt from the requirements of Section 119.07(1), Florida Statutes. Therefore, we find, on our own motion, Southern Bell's request of confidentiality should be granted as to the information contained in Documents Nos. 8406-91 and 7903-91.

Therefore, based on the foregoing, it is

ORDERED by Commissioner Betty Easley, as Prehearing Officer, that Southern Bell Telephone and Telegraph Company's Request for Confidential Classification and Motion for Permanent Protective Order for Information Requested by the Staff of the Florida Public Service Commission (Document No. 10129), filed on October 11, 1991, by Southern Bell, regarding Document No. 9377-91, filed on September 20, 1991, by Southern Bell, is hereby granted for the reasons set forth herein. It is further

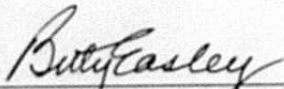
ORDERED that "Southern Bell Telephone and Telegraph Company's Request for Confidential Classification and Motion for Permanent Protective Order of Information Requested by the Audit Staff on July 30, 1991" (Document No. 8405-91), regarding Document No. 8406-91, filed on August 20, 1991 by Southern Bell, is hereby granted for the reasons set forth herein. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, the confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of the issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 364.183. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

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By ORDER of Commissioner Betty Easley, as Prehearing Officer,  
this 28th day of July, 1992.

  
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BETTY EASLEY, Commissioner  
and Prehearing Officer

( S E A L )

PLT

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 wastewater 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.

# SAMPLE DISKETTE FORMAT

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
LATA	FROM EXCHANGE LINES	ACCESS	TO EXCHANGE	DISTANCE	IND/INTER SB/INTRA	DCP	MONTHLY NON-COIN MESSAGES	ESTIMATED TOTAL MONTHLY MESSAGES	ESTIMATED BILLABLE MONTHLY MINUTES	PRE 12/1/90 NON-DISCOUNTED REVENUE PER CIF NON-COIN MSG	EST. CURRENT REV/MESSAGE (ADJUSTED FOR COIN & DCP)	ESTIMATED ANNUAL REVENUE	ESTIMATED ANNUAL ACCESS CHARGES PAID	ESTIMATED ACCESS REV. RECEIVED (REVERSE DIR)	
PANAMA CITY	CHIPLEY	4494	ALFORD	11	IND		0								
			ALLIGATOR POINT	90	IND		0								
			ALTHA	29	IND		0								
			APALACHICOLA	80	IND		0								
			BLOUNTSTOWN	38	IND		0								
			BONIFAY	9	IND		0								
			BRISTOL	41	IND		0								
			CARRABELLE	83	IND		0								
			CHATTAHOOCHEE FL	43	IND		0								
			CHATTAHOOCHEE GA	43	IND		0								
			COTTONDALE	10	IND		0								
			EAST POINT	83	IND		0								
			GRAND RIDGE	32	IND		0								
			GREENSBORO	50	IND		0								
			GREENWOOD	23	IND		0								
			GRETNA	54	IND		0								
			HAVANA	67	SB		0								
			HOSFORD	52	IND		0								
			LYNN HAVEN	37	SB		0								
			MALONE	26	IND		0								
			MARIANNA	19	IND		0								
			PANAMA CITY	43	SB		0								
			PANAMA CITY BCH	46	SB		0								
			PORT ST. JOE	69	IND		0								
			QUINCY	59	IND		0								
			REYNOLDS HILL	24	IND		0								
			SNEADS	37	IND		0								
			THE BEACHES	57	IND		0								
			TYNDALL AFB	50	IND		0								
			WESTVILLE	19	IND		0								
			WEWAHITCHKA	51	IND		0								
			YOUNGSTOWN-FOUNT	30	SB		0								

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ATTACHMENT A

INDEX OF PROPRIETARY MATERIAL

The three 5 1/4" floppy diskettes furnished the FPSC Staff in response to their request for the information on July 26, 1991 contained proprietary and confidential information. The three diskettes were filed with Mr. Tribble along with a Temporary Request for Protective Order on September 20, 1991 in Docket 880069-TL (Clerks file # 9377-91).

The files and their respective names on the three proprietary diskettes are cross referenced to the three redacted diskettes and their names and the location of the proprietary information is identified as follows:

<u>FILE NAMES ON DISKETTES</u>	<u>PROPRIETARY</u>	<u>REDACTED</u>	<u>LOCATION OF PROPRIETARY</u> <u>INFORMATION</u>
DISK 1 OF 1			
CIFPENSA		RDPENSA	H19 TO P200 (COLUMNS H THROUGH AND INCLUDING P; ROWS 19 THROUGH AND INCLUDING 200 UNDER THE ABOVE COLUMNS).
CIFGNSVL		RDGNSVL	H19 TO P747 (COLUMNS H THROUGH AND INCLUDING P; ROWS 19 THROUGH AND INCLUDING 747 UNDER THE ABOVE COLUMNS).
DISK 2 OF 2			
CIFJACK		RDJACK	H19 TO P682 (COLUMNS H THROUGH AND INCLUDING P; ROWS 19 THROUGH AND INCLUDING 682 UNDER THE ABOVE COLUMNS).
CIFPANAM		RDPANAM	H19 TO P287 (COLUMNS H THROUGH AND INCLUDING P; ROWS 19 THROUGH AND INCLUDING 287 UNDER THE ABOVE COLUMNS).
CIFDAYT		RDDAYT	H19 TO N84 (COLUMNS H THROUGH AND INCLUDING N; ROWS 19 THROUGH AND INCLUDING 84 UNDER THE ABOVE COLUMNS).
DISK 3 OF 3			
CIFORL		RDORL	H19 TO P243 (COLUMNS H THROUGH AND INCLUDING P; ROWS 19 THROUGH AND INCLUDING 243 UNDER THE ABOVE COLUMNS).
STHEAST1		RDSEAST1	H19 TO P435 (COLUMNS H THROUGH AND INCLUDING P; ROWS 19 THROUGH AND INCLUDING 435 UNDER THE ABOVE COLUMNS).
STHEAST2		RDSEAST2	H19 TO P482 (COLUMNS H THROUGH AND INCLUDING P; ROWS 19 THROUGH AND INCLUDING 482 UNDER THE ABOVE COLUMNS).