

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Comprehensive review of revenue requirements and rate stabilization plan of SOUTHERN BELL.	)	DOCKET NO. 920260-TL
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In Re: Investigation into the integrity of SOUTHERN BELL'S repair service activities and reports.	)	DOCKET NO. 910163-TL
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In Re: Investigation into SOUTHERN BELL'S compliance with Rule 25-4.110(2), F.A.C., Rebates.	)	DOCKET NO. 910727-TL
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In Re: Show cause proceeding against SOUTHERN BELL for misbilling customers.	)	DOCKET NO. 900960-TL
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In Re: Request by Broward Board of County Commissioners for extended area service between Ft. Lauderdale, Hollywood, North Dade and Miami.	)	DOCKET NO. 911034-TL
	)	ORDER NO. PSC-94-0164-CFO-TL
	)	ISSUED: February 10, 1994
	)	
	)	

ORDER DENYING REQUEST FOR CONFIDENTIAL CLASSIFICATION OF DOCUMENTS NOS. 13239-93 AND 108-94

On December 10, 1993, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed testimony and exhibits rebutting the testimony of certain witnesses of the Office of Public Counsel (OPC) by Walter S. Reid, which was designated as Document No. 13239-93, with a request for confidential classification for certain portions of Mr. Reid's testimony. On January 4, 1994, Southern Bell filed further testimony and exhibits of Mr. Reid in rebuttal to this Commission's Affiliate Transactions and Cost Allocations Audit, Work Activity Statistical Sampling Process Audit, as well as the Rate Case and Continuing Property Records Audits, which was designated as Document No. 108-94, with a request for confidential classification for certain portions of the testimony and exhibits.

Under Section 119.01, Florida Statutes, all documents submitted to this Commission are public records. The only exceptions to this law are documents which are exempt pursuant to

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specific statutory terms or provisions. Moreover, under Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the burden of demonstrating that materials qualify for confidential classification falls upon the person requesting such treatment.

**Document No. 13239-93**

The information in Document No. 13239-93 for which Southern Bell has requested confidential classification concerns OPC Witness Deward's proposed revenue requirement adjustments for BellSouth Advertising and Publishing Company (BAPCO). According to the Company, disclosure of this information would allow BAPCO's "competitors to competitively price their advertising products at levels below any which BAPCO could profitably support." Southern Bell further argues that "[i]f such disclosure continues in the future, ... [BAPCO's competitors] could also gauge the efforts on their competition on BAPCO."

The problem with Southern Bell's argument is that the majority of the information consists of proposed adjustments. It is not actual financial information of BAPCO, is entirely speculative, and as such, is not entitled to confidential classification. The only actual BAPCO information is its reported net income for 1992, which is depicted on page 26, line 6, and page 35, line 2 of Mr. Reid's testimony. However, this information is also depicted on page 26, line 14 of Mr. Reid's testimony without any request for confidential classification. Moreover, Southern Bell has not adequately demonstrated how disclosure of its 1992 net income for the entire State of Florida could possibly allow any of BAPCO's competitors to determine price "levels below any which BAPCO could profitably support." For these reasons, Southern Bell's request for confidential classification of portions of Document No. 13239-93 is denied.

**Document No. 108-94**

The information in Document No. 108-94 for which Southern Bell has requested confidential classification also consists of proposed adjustments for BAPCO for 1992, this time by the Staff of this Commission. Southern Bell makes essentially the same argument that it made with regard to Document No. 13239-93. In addition, the Company argues that "[k]nowledge of discrete elements in a competitor's cost structure, such as current uncollectible costs in the context of the directory advertising business, would make it

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easier to estimate the competitor's overall costs which must be covered through advertising revenues." Southern Bell further argues that this Commission has previously held, in Order No. PSC-93-0325-CFO-TL, which granted, in part, and denied, in part, the Company's request for confidential classification of Document No. 11588-92, that BAPCO's Florida net income and uncollectibles are proprietary confidential business information.

As with Document No. 13239-93, Staff's proposed adjustments are simply too speculative to warrant confidential classification. With regard to Southern Bell's argument regarding Order No. PSC-93-0325-CFO-TL, a review of that Order and the underlying documents reveals that the information granted confidential classification therein consisted of itemized revenue and expense forecasts, such as printing and commission costs, for 1993. Southern Bell did not even ask for confidential classification for similar, albeit historical, information included in this document. Further, neither Order No. PSC-93-0325-CFO-TL, nor the Company's request regarding Document No. 11588-92, mention anything regarding uncollectibles. Finally, Southern Bell has not adequately demonstrated how disclosure of its uncollectibles could allow its competitors to, in its own words, estimate its overall costs. For these reasons, Southern Bell's request for confidential classification of certain portions of Document No. 108-94 is denied.

It is, therefore,


ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that the request by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company for confidential classification of portions of Document No. 13239-93 is denied. It is further

ORDERED that the request by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company for confidential classification of portions of Document No. 108-94 is denied.

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By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 10th day of February, 1994.

  
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SUSAN F. CLARK, Commissioner  
and Prehearing Officer

( S E A L )

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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 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.