

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-94-0166-CFO-TL ISSUED: February 10, 1994

ORDER DENYING SOUTHERN BELL'S REQUEST FOR CONFIDENTIAL CLASSIFICATION FOR PORTIONS OF DOCUMENT NOS. 12060-93 AND 12865-93 (DOCKET NO. 920260-TL)

On December 1, 1993, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed a Request for Confidential Classification for portions of the direct testimony and exhibits of Public Counsel's witness R. Earl Poucher. The Company seeks confidential classification for two copies of this testimony on file with the Commission. The first copy of the testimony, filed with the Commission's Division of Records and Reporting on November 8, 1993, was assigned Document No. 12060-93. The second copy of the testimony, with the information for which the Company is requesting confidential treatment highlighted, was filed by Southern Bell with the Commission's Division of Records and Reporting on December 1, 1993, as Attachment "C" to Southern Bell's motion. Attachment "C" to Southern Bell's motion was assigned Document No. 12865-93.

Documents filed by telecommunications companies with the Commission are public records subject to public disclosure under Section 119.07(1), Florida Statutes (1991) of Florida's Public

DOCUMENT NUMBER-DATE

01339 FEB 10 1994

FPSC-RECORDS/REPORTING

Records Law. Section 119.07(3), Florida Statutes, however, exempts from public disclosure those public records that are provided by statutory law to be confidential or which are expressly exempted by general or special law. Pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Southern Bell has the burden of demonstrating that information is qualified for confidential classification. Rule 25-22.006 provides that Southern Bell may fulfill its burden of showing that the information is "proprietary confidential business information," as defined in Section 364.183 by showing that the information is one of the statutory examples set forth therein or by demonstrating disclosure of the information will cause harm to Southern Bell or its ratepayers.

Southern Bell seeks confidential classification under Section 364.183 for the exhibits and portions of R. Earl Poucher's direct testimony which quote information found in an ethics survey conducted by an outside consultant for Southern Bell, Ethics Resource Center, Inc. Ethics Resource Center conducted an ethics assessment for Florida and for all of BellSouth Telecommunications during 1992. Exhibit REP-11 to Poucher's direct testimony is the Ethics Assessment Summary for Florida. Exhibit REP-12 is the Executive Summary for BellSouth Telecommunications. Exhibit REP-13 contains specific quotes from employees regarding ethics and Exhibit REP-14 contains specific quotes from employees regarding quality of service.

Southern Bell contends that public disclosure of this information would have a "chilling effect" on employee communications with consultants conducting such surveys in the future, since employees will fear retaliation if their identities are disclosed. Such a result, Southern Bell contends, would interfere with the Company's efforts to police its operations. Southern Bell relies on our decision in Order No. PSC-93-1689-CFO-TL in this docket, wherein we held that public disclosure of the identities of callers to the Employee Reporting Line would interfere with the Company's ability to police itself through the ombudsman program.

Our decision in Order No. PSC-93-1689-CFO-TL is distinguishable from the circumstances under consideration here. In that instance, the circumstances indicated that employees disclosed their identities when calling the ethics hotline but were promised anonymity. Here, the circumstances indicate that the surveys were completed by Southern Bell employees anonymously. The

fear that their identities might be disclosed despite assurances of secrecy is not the case under the facts presented here.

Hence, we deny Southern Bell's request for confidential classification for the information found in the testimony and exhibits of R. Earl Poucher as follows:

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	31	14-16
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	35	14-17
	37	21, 22, 24, 25
	39-62	ALL
REP-13	ALL	ALL

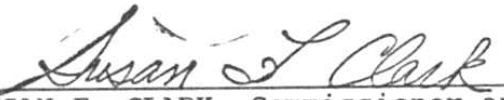
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Exhibit No.	<u>Page No.</u>	<u>Line Nos.</u>
REP-14	ALL	ALL

Accordingly, it is, therefore

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that Southern Bell's Request for Confidential Classification for Document Nos. 12060-93 and 12865-93 is denied as set forth in the body of this Order.

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



SUSAN F. CLARK, Commissioner and
Prehearing Officer

(S E A L)
JRW

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes (1993) 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 (1993) 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.

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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 Fla. R. App. P. 9.100.