

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: 1991 Depreciation Study) DOCKET NO. 910725-TL
for UNITED TELEPHONE COMPANY) ORDER NO. PSC-92-0620-CFO-TL
OF FLORIDA) ISSUED: 07/07/92
_____)

ORDER GRANTING REQUESTED CONFIDENTIAL
CLASSIFICATION TO PORTIONS OF DOCUMENT NO. 4223-92

On April 29, 1992, United Telephone Company of Florida (United or the Company), filed a Request for Confidential Classification (Request). The other parties to this docket have not responded to the Request. The Request covers material contained in Hearing Exhibits 25 and 26 in this docket. The Exhibits have been assigned Document No. 4223-92 by this Commission.

In support of its Request, the Company argues that the material for which confidential classification is sought is treated by United as confidential and has not been disclosed absent an agreement to maintain its confidential status. The Company asserts that the material consists of detailed information of vendor pricing information, marketing information, and documents relating to Alcatel "1210" switches and software provided to United and claimed as confidential by Alcatel.

Section 364.183(3)(d) and (e), Florida Statutes (1991) describes the term "proprietary confidential business information" to include "information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company or its affiliates to contract for goods or services on favorable terms," and "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." The Company argues that the material at issue falls within the meaning of this Statute.

A description of the specific material at issue and the Company's arguments for its confidential treatment follows:

- A. EXHIBIT 25--Confidential Information for Integrated Plans and Facilities Studies.
1. Page 1 - lines 1-10, marketing information.
Page 21 - lines 1-2, marketing information.
Page 70 - lines 1-2, marketing information.
Page 71 - lines 1-2, marketing information.
Page 364 - lines 1-3, marketing information.
Page 365 - lines 1-2, marketing information.
Page 366 - column A, lines 1-4, customer information.
Page 367 - lines 1-3, customer information.
Page 368 - lines 1-2, customer and marketing information.

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The Company asserts that the information consists of marketing data, such as the identity of United's largest customers or the largest businesses in a particular area. The information also includes customer information on future developments entrusted to United for the planning of telephone service to the area. The Company asserts that the information for which confidential treatment is sought falls within the scope of Section 364.183(3), Florida Statutes.

2. Page 6 - columns A-L, lines 1-15, vendor prices.
- Page 8 - columns A-L, lines 1-21, vendor prices.
- Page 11 - columns A-H, lines 1-23, vendor prices.
- Page 14 - columns A-J, lines 1-21, vendor prices.
- Page 19 - columns A-J, lines 1-20, vendor prices.
- Page 22 - lines 1-3, vendor prices, lines 4 and 5, text.
- Page 25 - lines 1-8 vendor prices.
- Page 28 - columns A-F, lines 1-46, vendor prices.
- Page 29 - columns A-F, lines 1-47, vendor prices.
- Page 30 - columns A-F, lines 1-30, vendor prices.
- Page 31 - columns A-F, lines 1-26, vendor prices.
- Page 32 - columns A-F, lines 1-29, vendor prices.
- Page 33 - columns A-F, lines 1-47, vendor prices.
- Page 78 - columns A-E, lines 1-12, vendor prices.
- Page 80 - columns A-I, lines 1-23, vendor prices.
- Page 83 - columns A-J, lines 1-21, vendor prices.
- Page 86 - column A, lines 1-22, vendor prices.
- Page 89 - columns A-J, lines 1-22, vendor prices.
- Page 92 - column A, lines 1-19, vendor prices.
- Page 95 - columns A-J, lines 1-22, vendor prices.
- Page 98 - columns A-J, lines 1-20, vendor prices.
- Page 101 - column A, lines 1-22, vendor prices.
- Page 104 - column A, lines 1-22, vendor prices.
- Page 145 - columns A-E, lines 1-13, vendor prices.
- Page 147 - columns A-J, lines 1-27, vendor prices.
- Page 150 - column A, lines 1-21, vendor prices.
- Page 153 - columns A-J, lines 1-21, vendor prices.
- Page 156 - columns A-J, lines 1-21, vendor prices.
- Page 159 - columns A-H, lines 1-27, vendor prices.
- Page 162 - columns A-J, lines 1-22, vendor prices.
- Page 165 - column A, lines 1-22, vendor prices.
- Page 168 - column A, lines 1-22, vendor prices.
- Page 171 - column A, lines 1-22, vendor prices.
- Page 174 - columns A-D, lines 1-15, vendor prices.
- Page 176 - columns A-F, lines 1-43, vendor prices.
- Page 177 - columns A-F, lines 1-22, vendor prices.
- Page 178 - columns A-C, lines 1-15, vendor prices.
- Page 179 - columns A-C, lines 1-17, vendor prices.
- Page 180 - columns A-C, lines 1-17, vendor prices.

Page 181 - columns A-C, lines 1-17, vendor prices.
Page 182 - columns A-C, lines 1-15, vendor prices.
Page 183 - columns A-C, lines 1-17, vendor prices.
Page 184 - columns A-C, lines 1-17, vendor prices.
Page 185 - columns A-C, lines 1-17, vendor prices.
Page 186 - columns A-C, lines 1-15, vendor prices.
Page 187 - columns A-C, lines 1-18, vendor prices.
Page 188 - columns A-C, lines 1-17, vendor prices.
Page 189 - columns A-C, lines 1-17, vendor prices.
Page 190 - columns A-C, lines 1-15, vendor prices.
Page 191 - columns A-B, lines 1-10, vendor prices.
Page 192 - columns A-C, lines 1-17, vendor prices.
Page 204 - columns A-J, lines 1-31, vendor prices.
Page 207 - column A, lines 1-22, vendor prices.
Page 210 - column A, lines 1-22, vendor prices.
Page 211 - columns A-F, lines 1-8, vendor prices.
Page 213 - columns A-J, lines 1-22, vendor prices.
Page 216 - columns A-J, lines 1-30, vendor prices.
Page 219 - columns A-J, lines 1-30, vendor prices.
Page 222 - column A, lines 1-19, vendor prices.
Page 225 - columns A-J, lines 1-30, vendor prices.
Page 231 - columns A-J, lines 1-31, vendor prices.
Page 234 - columns A-G, lines 1-30, vendor prices.
Page 237 - column A, lines 1-22, vendor prices.
Page 240 - columns A-J, lines 1-22, vendor prices.
Page 243 - columns A-J, lines 1-22, vendor prices.
Page 249 - columns A-J, lines 1-21, vendor prices.
Page 252 - columns A-C, lines 1-22, vendor prices.
Page 255 - columns A-J, lines 1-22, vendor prices.
Page 258 - columns A-J, lines 1-22, vendor prices.
Page 261 - columns A-D, lines 1-22, vendor prices.
Page 264 - columns A-I, lines 1-22, vendor prices.
Page 267 - columns A-J, lines 1-22, vendor prices.
Page 268 - column A, lines 1-11, vendor prices..
Page 270 - columns A-G, lines 1-22, vendor prices.
Page 285 - columns A-J, lines 1-35, vendor prices.
Page 287 - columns A-J, lines 1-31, vendor prices.
Page 290 - column A, lines 1-22, vendor prices.
Page 293 - column A, lines 1-22, vendor prices.
Page 296 - columns A-J, lines 1-21, vendor prices.
Page 299 - columns A-J, lines 1-30, vendor prices.
Page 302 - columns A-I, lines 1-32, vendor prices.
Page 305 - column A, lines 1-18, vendor prices.
Page 308 - columns A-J, lines 1-30, vendor prices.
Page 314 - columns A-G, lines 1-32, vendor prices.
Page 317 - columns A-G, lines 1-31, vendor prices.
Page 320 - column A, lines 1-22, vendor prices.
Page 323 - columns A-J, lines 1-21, vendor prices.

Page 324 - columns A-C lines 1-8, vendor prices.
Page 326 - columns A-J, lines 1-22, vendor prices.
Page 329 - columns A-J, lines 1-22, vendor prices.
Page 330 - column A-C, lines 1-8, vendor prices.
Page 332 - columns A-J, lines 1-22, vendor prices.
Page 335 - columns A-C, lines 1-22, vendor prices.
Page 338 - columns A-J, lines 1-22, vendor prices.
Page 339 - columns A-B, lines 1-8, vendor prices.
Page 341 - columns A-J, lines 1-22, vendor prices.
Page 344 - columns A-D, lines 1-22, vendor prices.
Page 347 - columns A-I, lines 1-22, vendor prices.
Page 350 - columns A-J, lines 1-22, vendor prices.
Page 351 - columns A-B, lines 1-11, vendor prices.
Page 353 - columns A-G, lines 1-22, vendor prices.
Page 369 - columns A-D, lines 1-19, vendor prices.
Page 370 - columns A-D, lines 1-19, vendor prices.
Page 372 - column A-B, lines 1-4, vendor prices.

The Company asserts that all of the above-listed items contain specific quotation or cost information primarily of NTI and AT&T, but also of other vendors of switching and facilities equipment, or allow the computation of quotation or cost amounts. The Company argues that this information falls within the provisions of Section 364.183(3), Florida Statutes.

3. Page 116 - columns A-J, lines 1-14, non-reg sales amounts.

The Company argues that this information consists of projected financial data on some of United's non-regulated services for specific locations. The Company asserts that revealing revenues and other financial data to its competitors gives those competitors an undue advantage in determining whether to compete with United, and provides United's prospective customers with information which can be used to United's disadvantage in negotiations to sell products or services to those customers. Thus, it is the Company's position that the material should be held to be confidential pursuant to Section 364.183(3), Florida Statutes.

- B. EXHIBIT 26--Confidential Information for Remainder of Staff Exhibits.

1. Page 001 - line 1, dollar amount.
Page 002 - line 1, dollar amount.
Page 055 - columns A-J, lines 1-14, dollar amounts

The Company asserts that all of the above-listed items contain specific quotations to United from Alcatel. The quotations cited

were submitted or developed in a competitive setting. The quotation amounts are submitted to United by the competing vendors. Thus, the Company concludes that this information falls within the provisions of Section 364.183(3), Florida Statutes.

2. Page 007 - lines 1-35, text.
- Page 008 - lines 1-36, text.
- Page 009 - lines 1-31, text.
- Page 010 - lines 1-37, text.
- Page 011 - lines 1-34, text.
- Page 012 - lines 1-38, text.
- Page 013 - lines 1-32, text.
- Page 014 - lines 1-31, text.
- Page 015 - lines 1-30, text.
- Page 016 - lines 1-34, text.
- Page 017 - lines 1-32, text.
- Page 018 - lines 1-33, text.
- Page 019 - lines 34-66, text.
- Page 020 - lines 1-30, text.
- Page 021 - lines 31-67, text.
- Page 022 - lines 1-30, text.
- Page 023 - lines 31-44, text.
- Page 024 - lines 1-41, chart and text.
- Page 030 - lines 1-38, text.
- Page 031 - lines 1-35, text.
- Page 032 - lines 36-64, text.
- Page 033 - lines 1-37, text.
- Page 034 - lines 1-35, text.
- Page 035 - lines 1-34, text.
- Page 036 - lines 1-39, text.
- Page 037 - lines 1-36, text.
- Page 038 - lines 1-26, text.
- Page 039 - lines 1-34, text.
- Page 040 - lines 1-20, text.
- Page 041 - lines 1-32, text.
- Page 042 - lines 1-34, text.
- Page 043 - lines 1-28, text.
- Page 044 - lines 1-41, text.
- Page 045 - lines 1-32, text.
- Page 046 - lines 1-31, text.
- Page 047 - lines 1-26, text.
- Page 048 - lines 1-24, text.
- Page 049 - lines 1-13, chart.
- Page 050 - lines 1-38, text.
- Page 051 - lines 1-15, chart.
- Page 052 - lines 1-19, chart.
- Page 053 - lines 1-21, chart.
- Page 054 - lines 1-13, chart.

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Page 059 - lines 1-33, text.
Page 060 - lines 1-27, text.
Page 061 - lines 1-34, text.
Page 062 - lines 1-34, text.
Page 063 - lines 1-30, text.
Page 064 - lines 1-35, text.
Page 065 - lines 36-65, text.
Page 066 - lines 1-18, text.
Page 067 - line 1, chart.
Page 068 - line 1, chart.
Page 069 - line 1, chart.
Page 070 - line 1, chart.
Page 071 - line 1, chart.
Page 072 - line 1, chart.


The Company asserts that the above-listed items contain specific information about products provided and maintained by Alcatel. The information claimed as confidential was provided to United by Alcatel and marked with the notation--"Company Confidential Document Notice - The subject matter of this document must be kept confidential and this document must not be reproduced or published in whole or in part without the written permission of Alcatel Network Systems." United argues that this information falls within the provisions of Section 364.183(3), Florida Statutes.

Upon review of the Company's exemplary and detailed pleading, I agree that disclosure of the material at issue would cause the types of competitive and contractual harm protected by Section 364.183(3), Florida Statutes. Therefore, I grant the Company's Request.

Based upon the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that the United Telephone Company of Florida's Request for the Confidential Classification of specified material contained in Document No. 4223-92 is hereby granted.

By ORDER of Commission J. Terry Deason, as Prehearing Officer, this 7th day of July, 1992.



J. TERRY DEASON, Commissioner
and Prehearing Officer

(S E A L)
CWM

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.