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FPSC-RECORDS/REPORTING

September 21, 1992

Mr. Steve C. Tribble
Director, Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32301

RE: Docket No. 910163-TL

Dear Mr. Tribble:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Request for Confidential Classification. Please file these documents in the above-captioned docket.

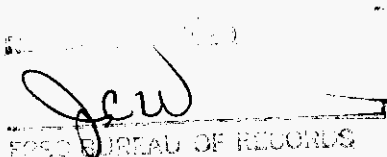
A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served on the parties shown on the attached Certificate of Service.

Sincerely,


Sidney J. White, Jr.

Enclosures

cc: All Parties of Record
A. M. Lombardo
H. R. Anthony
R. D. Lackey


FPSC BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
10971 SEP 21 1992
FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE
Docket No. 910163-TL

I HEREBY CERTIFY that a copy of the foregoing has been furnished by United States Mail this 21st day of September, 1992 to:

Charles J. Beck
Assistant Public Counsel
Office of the Public Counsel
Room 812
111 W. Madison Street
Tallahassee, FL 32399-1400

Tracy Hatch
Division of Legal Services
Florida Public Svc. Commission
101 East Gaines Street
Tallahassee, FL 32399-0863

A handwritten signature in cursive script, appearing to read "Tracy Hatch", written over a horizontal line. The signature is fluid and stylized, with a long horizontal stroke extending to the right.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition on Behalf of)
Citizens of the State of Florida) Docket No. 910163-TL
to Initiate Investigation into)
Integrity of Southern Bell) Filed: September 21, 1992
Telephone and Telegraph Company's)
Repair Service Activities and)
Reports.)
_____)

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION

COMES NOW BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company"), pursuant to Rule 25-22.006, Florida Administrative Division Code, and files its Request for Confidential Classification for certain information contained in documents provided in response to Staff's Eighteenth Request for Production of Documents dated July 27, 1992.

1. Southern Bell is filing its Request for Confidential Classification for portions of documents produced for Staff which contain employee-specific information unrelated to compensation, duties, qualifications, or responsibilities and customer-specific information.

2. Southern Bell has appended to this Request for Confidential Classification as Attachment A a listing showing the location in the documents of the information designated by Southern Bell as confidential.

3. Appended hereto in a package designated as Attachment B are two edited copies of the documents with the confidential information deleted.

4. Attached as Attachment C is a sealed package containing copies of the documents with the material which is confidential and proprietary highlighted. Copies of Attachment C are not being served on the other parties in this proceeding.

5. The information identified as being proprietary confidential business information subject to this Request for Confidential Classification contains employee-specific personnel information unrelated to compensation, duties, qualifications, or responsibilities. Such information is specifically included in § 364.183(3)(f), Florida Statutes, as proprietary confidential business information exempt from § 119.07(1), Florida Statutes. These investigative materials deal with employee activities that, if substantiated, would fall outside normal and acceptable duties and responsibilities. See also: Southern Bell's Request for Confidential Classification and Motion for Permanent Protective Order filed in this docket on September 14, 1992 (Request and Motion). Consequently, this information deals with employee information unrelated to the employees' defined duties and responsibilities. Id.

6. The investigative reports also obviously mention the names of the employees being investigated, and the disclosure of such names could unnecessarily subject these employees to public embarrassment, humiliation, and consternation. Moreover, some of these investigations cleared individuals entirely of any wrong doing and resulted in no further Company action whatsoever. Public disclosure of the named individuals identified in such

investigations would subject innocent people to suspicion and ridicule for no good reason. Such actions could, and most likely would, impede Southern Bell's future efforts to investigate improprieties internally. This is so because employees would be extremely hesitant or unwilling to cooperate in such investigations for fear that their names and details relating to the investigation might be disclosed. Consequently, this information should be granted confidential classification due to the harm which could occur to the Company's ability to conduct efficient and thorough internal investigations in the future. Rule 25-22.006(4)(c), Florida Administrative Code.

7. The Florida legislature has recognized that, in certain cases, the names of individuals included in reports ultimately deemed to be unfounded should not be publicly disclosed and should be exempt from § 119.07, Florida Statutes. Specifically, in cases involving severe cases of child abuse resulting in the death of a child, the courts have been directed to order that the Department of Health and Rehabilitative Services ("HRS") redact the "name of and other identifying information with respect to any person identified in any unfounded report..." if the report is to be otherwise publicly accessible. Section 119.07(7)(c), Florida Statutes. Obviously, the legislature has recognized that the stigma attached to an individual who is publicly identified and accused of being a child abuser is without curative remedy after the fact. Once identified by public disclosure, the person is certain to be the object of ridicule, fear, or scorn,

notwithstanding the fact that they are blameless. The public interest is not furthered by such a blind reading of the public records laws.

8. Similarly, individuals who are named in internal corporate investigations pertaining to improper business practices and who are ultimately exonerated should never be forced to defend themselves again publicly due to the irresponsible publishing of those individuals' names. The stigma of unjustly being accused or suspected of corporate improprieties, albeit not as bad as being a suspected child abuser, is nevertheless virtually unshakable. Furthermore, the release of such information would clearly have a defamatory and damaging effect on the good name and reputation of such individuals, both within the Company as well as in the community at large.

9. Southern Bell has previously asserted in its September 4, 1992 Request and Motion that the names of employees who were disciplined as a result of the repair service investigation are proprietary and confidential business information. Southern Bell reasserts these arguments here and incorporates by reference herein the arguments contained in the Request and Motion on the issue of the release of these disciplined employees' names.

10. In addition to the compelling arguments already made herein, as well as in the Company's September 4, 1992, Request and Motion, further support for the proposition that the names of

individuals targeted in internal corporate investigations should not be publicly released exists in § 119.14, Florida Statutes. In providing the applicable criteria for the legislature to use in creating or maintaining public records exemptions under Florida's Sunset Review procedures, § 119.14, Florida Statutes clearly recognizes that information of a sensitive personal nature, including the name or names of individuals, should be exempt from public disclosure under certain circumstances, particularly if the release of the information "... would be defamatory to such individuals or cause unwarranted damage to the good name or reputation of such individuals..." § 119.14(4)(b)(2), Florida Statutes.

11. The above-stated test is one of three elements that are required to be considered by the legislature in determining whether to create or continue an exemption from the public records act. Thus, the clear legislative intent is to protect such information from public scrutiny. The release of names of both disciplined as well as exonerated present and past employees of Southern Bell would serve no public purpose, would do irreparable damage to their public reputations and good names in their communities, and is expressly recognized by the legislature as being worthy of protection under these circumstances. No legitimate purpose could possibly be served through the unrestricted public disclosure of these proprietary confidential internal Company investigative materials in their present form.

12. The investigative materials subject to this Request for Confidential Classification also contain specific details regarding Southern Bell customer accounts associated with these investigations. References to proprietary and confidential customer-specific information are made throughout the materials. The Commission has steadfastly upheld the proprietary and confidential nature of Southern Bell's customer-specific information, and the disclosure of such information would result in immediate and justifiable outrage on the part of those customers if their personal and private information were to be inappropriately made publicly available.

13. Southern Bell has treated and intends to continue to treat the material for which confidential classification is sought as private, and this information has not been generally disclosed.

WHEREFORE, based on the foregoing, Southern Bell moves the Prehearing Officer to enter an order declaring the information described above and contained in the indicated portions of the attachments to be proprietary confidential business information, and thus not subject to public disclosure.

Respectfully submitted this 21st day of September, 1992.

SOUTHERN BELL TELEPHONE
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FPSC DOCKET 910163-TL
FPSC STAFF'S 18TH REQUEST FOR DOCUMENTS

JUSTIFICATION FOR CONFIDENTIALITY REQUEST

- (1) The documents furnished the Staff in response to Item 4 of this request contain employee specific information unrelated to compensation that the Company considers proprietary confidential business information and is expressly included as proprietary confidential business information under 364.183(3)(f), Florida Statutes.
- (2) In addition, this material contains customer specific information also included under the statute.

LOCATION OF THE PROPRIETARY INFORMATION

The proprietary information is identified by page and line numbers as follows:

Page Number	Line Number	Reason
1	20	1
2	9, 15-18, 24, 27, 29, 30, 33	1
3	5, 6, 8, 10	1
4	11, 30	1
5	25	1
6	8-12, 19	1
	25, 31, 37	2
7	3, 6, 16, 19, 22, 25, 32	2
	35	1
8	5, 7, 11, 18, 23, 26, 34, 37	2
9	12, 19, 21-23, 27-30, 33	2
	18	1
10	3-7, 10, 11, 16, 28, 31	2
	24	1
11	5, 10, 13, 18, 19, 32	2
	26, 29	1
12	3, 5, 7, 9, 13, 18, 21, 24, 27, 30, 32, 35, 37	2
13	3, 15, 18, 20, 21, 24, 26, 27, 29, 32, 34, 36	2
	7	1
14	3, 5, 8, 10, 14, 17, 20, 22, 25, 28, 31, 33	2
15	3, 6, 9, 16, 18, 20, 23, 26, 28, 30, 33	2
	35	1

1 Employee Specific
2 Customer Specific

Page Number	Line Number	Reason
16	7, 9, 11, 13, 15, 17, 19, 21, 24, 27, 29, 31, 33, 35	2
17	3, 12, 14, 16, 24, 26, 28, 30, 32, 34, 36	2
	18	1
18	4, 6, 8, 11, 13, 15, 16, 18, 20, 22, 25, 28, 30	2
	37	1
19	3, 5, 7, 8, 21, 23, 27, 28	2
20	3, 7	2
	11, 14-19, 22, 24, 27, 29, 34, 37, 38	1
21	4, 24, 33	1
	23, 34, 45	2
23	10, 17, 19	1
24	4, 5, 12, 13, 15, 17, 18, 19	1
25	15, 23, 24	1
26	18, 22, 27, 28, 32-34, 36, 38, 39, 40	1
27	9-21	2
	5, 23, 23, 27, 33, 39	1
28	2	1
30	12, 18, 20	1
31	4, 5, 12, 13, 15, 17, 18, 19	1
33	31-34	2
	7, 12, 13, 20, 21, 22, 23, 25	1
34	2, 3, 6, 11, 21, 22, 23	1
36	5, 6	1
37	12, 13	1
38	28-30	1
40	27, 28, 30, 37, 40	1
41	2, 3, 4, 5	1
42	22, 25	1
45	34	1
46	12-19, 24, 25, 30, 32	1
47	3, 4, 8, 13, 15, 16, 23, 27, 28,	1
48	5, 11, 12, 16, 22	1
49	10, 18, 19, 23, 29	1
50	9, 18, 19, 23, 28, 30, 31, 38	1
51	2, 30, 36, 37	1
52	4, 9	1
53	31, 32	1
54	5, 9, 15, 21, 25, 26, 29, 31, 38	1
55	2, 3, 7, 12, 20, 36, 37	1
56	3, 11, 15, 27, 29, 30, 34, 39, 42	1
57	13, 20, 22, 23, 27, 32, 34, 35	1
58	7, 20, 26, 27, 31, 36	1
59	2, 3, 4, 25, 38	1
60	5, 14, 15, 19, 25, 27, 28	1
61	6, 12, 13, 17, 22, 25, 26, 27, 28	1
62	31	1

Page Number	Line Number	Reason
63	2,3,7,12,14-17,29	1
64	6,24-32,34,35	1
65	4,10,12,33,34	1
66	3	1
67	11	1
66	5,12,15,18,20,22,23,24	1
69	32,33	1
68	13,14,18,26	1
70	13,18	1
71	2,8,20,21	2
	10,13,16	1
72	5,7,9,13,18,19,29	1
73	18	1
74	11,19	1
75	4,5,12,16,18,20,22,23,24	1
76	26	2
	21,24	1
77	8,9,30,31,42	1
78	4,12,14	2
	13,14	1
79	4,7,19,24,27-29,34,	1
	37,43,44	2
80	4,10	2
	10,16,17	1
81	2,4,9,15-17	1
82	6,16,17,22	1
83	10,16,18	1
84	4,5,12,13,16,22,24,27,29,31,32,33	1
86	13,40	2
	12,15,27-29,38	1
87	2,4,7,9,10,13,16,19,25-27,29,33	1
88	10,11,13,19,25-27	1
89	19	1
90	10,16,18	1
91	4,5,11,12,14,17,19,21,22,23	1
92	23,28	1
93	18-20,27,34,41	1
	38	2
94	5,12,15,24,28,32,34,39	2
	9,20,23,30,31,34,36,39	1
95	20,32,35,41,42	2
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96	12,13	2
	5,14,17,22,26	1
97	2,3,4,9,14,16	1
	24	2
98	25	1
100	10,15,17,19	1
101	5,10,22-24,26,28,30,33,35	1
102	3,7,9,13,14,15,31,37	1
103	3,10,16,21,23	1
104	29	1