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JACK SHREVE
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STATE OF FLORIDA
OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature
111 West Madison Street
Room 812
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November 30, 1992

Steve Tribble, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, FL 32399-0850

Re: Docket No. 910163-TL

Dear Mr. Tribble:

Enclosed for filing in the above-captioned proceeding on behalf of the Citizens of the State of Florida are the original and 15 copies of Citizens' Response to Southern Bell's Motion for Confidential Treatment and Permanent Protective Order.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

ACK _____

ADA _____

ADP _____

AGS _____

(C) _____

(CS) _____

(CJ) _____

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(CM) _____

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(CS) _____

(CT) _____

(CW) _____

OTH Ray

Sincerely,

Janis Sue Richardson
Janis Sue Richardson
Associate Public Counsel

Enclosure

DOCUMENT ID: 1078-1400
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FPSC-RECORDS/REPORTS

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the)
Integrity of Southern Bell's)
Repair Service Activities and)
Reports)
_____)

Docket No. 910163-TL
Filed: November 30, 1992

**CITIZENS' RESPONSE TO SOUTHERN BELL'S MOTION FOR CONFIDENTIAL
TREATMENT AND PERMANENT PROTECTIVE ORDER**

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, file this response to the motion for confidential treatment and permanent protective order filed by Southern Bell Telephone and Telegraph Company ("Southern Bell") on November 20, 1992.

1. Southern Bell seeks confidential treatment of the identity of its employees, who were disciplined in connection with Southern Bell's repair service activities and reports, the nature of the discipline, and the names and addresses of the deponents. This information was disclosed in depositions taken of individual employees on October 14 and 15, 1992.

2. Citizens and Southern Bell have previously stated their positions on the issue of whether the identities of disciplined employees, the nature of the discipline, and the reasons for the

discipline may be eligible for proprietary treatment.¹ Citizens reiterates its prior arguments and incorporates them by reference herein.

3. As discussed in Citizens' prior responses, there is no basis in statute, case law, or Commission rules or orders that support granting confidential treatment to employees' names under either the per se or harm standard of section 364.183, Florida Statutes (1991). As Southern Bell has failed to sustain its burden of proof on this point, the Commission should deny its request.

4. Southern Bell has also requested that the home addresses and phone numbers of the deponents be granted proprietary treatment. Southern Bell Motion at 2, ¶ 3. Citizens does not contest that this information is unrelated to the employees' compensation, duties, qualifications, or responsibilities. However, should the company refuse service of process for any of these individuals, Citizens retain the right to request that any subpoenas that may be sought be issued with the individual's home address and phone number disclosed.

¹ Citizens' Response to Southern Bell's Request for Confidential Classification and Motion for Permanent Protective Order (Sept. 16, 1992); Citizens' Response to Southern Bell's Request for Confidential Classification and Motion for Permanent Protective Order (Sept. 16, 1992); and Citizens' Response to Southern Bell's Request for Confidential Classification and Motion for Permanent Protective Order (Sept. 17, 1992).


5. Granting confidential treatment to the sections of these depositions, wherein the names of employees who have been disciplined would be shielded from public disclosure, would damage the truth seeking process by inhibiting the first amendment rights of the press, by denying ratepayers access to the truth, and by sacrificing one of the Commission's most powerful enforcement tools--the power to disclose a company's culpability to the final arbiter, the citizens of this state. Past Commission rulings and judicial interpretation of section 364.183(3), Florida Statutes (1991) make it equally obvious that the identities of employees who were disciplined, the nature of the discipline, and the reason for the discipline are not proprietary business information.

WHEREFORE, the Citizens file this response to Southern Bell's motion for confidential classification and for permanent protective order for specified sections of employee depositions, which was filed by Southern Bell Telephone and Telegraph Company ("Southern

Bell") on November 20, 1992, and request the Commission to deny the company's motion.

Respectfully submitted,

JACK SHREVE
Public Counsel


CHARLES J. BECK
Deputy Public Counsel
JANIS SUE RICHARDSON
Associate Public Counsel

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**CERTIFICATE OF SERVICE
DOCKET NO. 910163-TL**

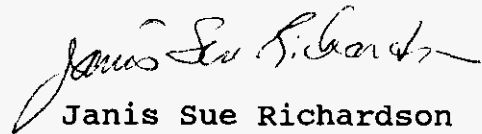
I HEREBY CERTIFY that a correct copy of the foregoing has been furnished by U.S. Mail or hand-delivery to the following persons on this 30th day of November, 1992.

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