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December 24, 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. 920260-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 this document 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.
Sidney J. White, Jr.

Enclosures

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

Jaw

DOCUMENT # 14927-DATE
14927 DEC 24 1992
FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE
Docket No. 920260-TL

I HEREBY CERTIFY that a copy of the foregoing has been furnished
by United States Mail this 24th day of December, 1992 to:

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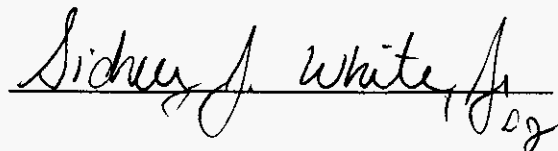
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Sidney J. White, Esq.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Comprehensive Review of)
the Revenue Requirements and Rate) Docket No. 920260-TL
Stabilization Plan of Southern)
Bell Telephone and Telegraph) Filed: December 24, 1992
Company)
_____)

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 being produced in response to Staff's Second Request for Production of Documents.

1. Southern Bell is filing its Request for Confidential Classification for portions of documents produced for Staff which contain strategic planning information, vendor-specific information, financial and strategic information on non-BellSouth companies, and market research.

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 an envelope designated as Attachment B are two edited copies with the confidential information deleted.

4. Attached as Attachment C is a sealed envelope 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. With respect to the documents produced for Staff in response to Request No. 24, and specifically those portions referenced in Attachment A, the documents contain strategic planning information relating to Southern Bell's overall view of relevant markets, technology assessment and specific strategic initiatives of the Company. This information is highly proprietary inasmuch as it discloses Southern Bell's competitive and other environmental assessments and analyses as well as possible Company responses as a result of consideration of such analyses. This information is entitled to confidential classification on the basis that it is information relating to competitive interests, the disclosure of which would impair Southern Bell's competitive business if publicly disclosed. Section 364.183(3)(e), Florida Statutes, specifically provides that such information is proprietary confidential business information. If Southern Bell's competitors had access to this information, they could construct reactive plans to impede or even thwart Southern Bell's competitive initiatives. Southern Bell developed this information for use in strategically planning its business operations, and the subject information is not shared outside of the Company in the form and to the extent contained in these documents. If Southern Bell's competitors had public access to this information, their marketing efforts could easily be focused and specifically designed and targeted to take full advantage of Southern Bell's assessment of competitive alternatives. Any advantage gained through such use of Southern Bell's information would cause a concomitant adverse effect on the Company's business. Moreover, this type of information is

not made public by Southern Bell's competitors, nor is it shared at all in competitive arenas. Consequently, Southern Bell's competitive strategies are equally entitled to be protected from public disclosure.

6. With respect to one document responsive to Request No. 24, which covers pages F01A01Z08327-F01A01Z08427, this document is so replete with strategic business information that Southern Bell requests that the entire document be afforded confidential classification. While it is true that certain portions of this document may not be proprietary in the strictest sense, such as portions of the table of contents and individual sentences interspersed among the other significant amounts of proprietary information, the document does consist of an integrated narrative of Southern Bell's analysis of its corporate competitive opportunities and specific plans for responding to such opportunities. As is the case with many strategic planning documents, this particular document links various corporate strategies into a common, discernible, and cohesive strategic direction with specific mention of concrete competitive goals. It is the totality of this document which provides valuable insight into Southern Bell's assessment of its relevant markets and its corresponding business strategies for pursuing such market opportunities. Public disclosure of Southern Bell's strategic plans would cause harm to the Company and would give the Company's competitors an unfair advantage as a result of such inside information. Consequently, Southern Bell requests that the entire document be classified as confidential, and also requests a waiver of the line by line identification requirement

of Rule 25-22.006, Florida Administrative Code, in this particular case. In the alternative, if the Commission does not grant the Company's request for the entire document to be classified as confidential, Southern Bell would urge the Commission to classify the specifically identified portions of this document as shown in Attachment A as confidential.

7. With respect to the documents produced in response to Request No. 44 and specifically those portions referenced in Attachment A, parts of these documents are entitled to confidential classification on the basis that they contain vendor-specific information. This information is not intended to be shared publicly, and the disclosure of such information could adversely affect Southern Bell's ability to contract with its vendors on the most favorable terms. Section 364.183(3)(d), Florida Statutes specifically provides that such information is proprietary confidential business information. This proprietary information reflects vendor discounts enjoyed by Southern Bell and which may not be available to others. If publicly disclosed, these vendors could be faced with unnecessary pressure to similarly reduce their prices for others. A possible reaction could be that the vendors would instead raise Southern Bell's prices instead of lowering others. This could harm Southern Bell in that the Company would then have to pay more for the same product or service than it was previously paying. Classifying this vendor-specific pricing information as confidential will eliminate such potential harm. Also, Southern Bell enters into non-disclosure agreements with its vendors, and one of the items of information subject to such agreements is the price negotiated

for the product or service. Pursuant to Section 364.183(3), Florida Statutes, proprietary confidential business information includes information subject to such non-disclosure agreements.

8. With respect to the documents produced in response to Request Nos. 56 and 58, and specifically those portions referenced in Attachment A, the documents contain detailed financial and strategic information for a non-BellSouth company. This information is proprietary to that Company, and Southern Bell is not at liberty to publicly disclose the financial and strategic information contained in these documents. Section 364.183(3), Florida Statutes provides that proprietary confidential business information includes information shared with Southern Bell, but which pursuant to a private agreement, cannot be publicly disclosed. This information is not Southern Bell's to disclose. Consequently, the Company would request that the Commission classify this detailed financial information of a non-BellSouth company as confidential.

9. With respect to the documents produced in response to Request No. 75, and specifically those portions referenced in Attachment A, information contained in these documents is entitled to confidential classification on the basis that it consists of market research regarding the effectiveness of Southern Bell's advertising of its products and services. This information is not publicly disclosed, and addresses the Company's attempts to reach competitive markets through advertising strategies. Clearly, this information fits squarely within the express intent of Section 364.183(3)(e), Florida Statutes. Strategic advertising for competitive services, and

studies analyzing the effectiveness of such advertising strategies, is information relating to competitive interests, the disclosure of which would impair Southern Bell's ability to compete. If Southern Bell's competitors were to be allowed public access to this information, they would in effect be receiving free market research that Southern Bell was required to conduct itself or purchase. Such competitors' free use of Southern Bell's market research would place them in a competitively advantageous position vis-a-vis Southern Bell in that Southern Bell does not have equal access to its competitors' market research and competitive analyses. Market research has been consistently protected by the Commission, and this information clearly meets the criteria for such proprietary confidential business information, and should be classified as confidential.

10. 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 confidential proprietary business information, and thus not subject to public disclosure.

Respectfully submitted this 24th day of December, 1992.

SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY

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FPSC DOCKET 920260-TL

FPSC STAFF'S 2ND PRODUCTION OF DOCUMENTS

LOCATION OF THE PROPRIETARY INFORMATION

The following information identified by page and line numbers is considered confidential and proprietary:

<u>PAGE NO.</u>	<u>LINE NOS./COL. NO.</u>	<u>REASON*</u>
F01A01Z08339	9 (A-F); 11 (A-F)	3
08340	13-16 (A); 20-37	1
08341	2-7	1
08342	4, 5 (A); 6 (A,B)	1
08353	25-35	5
08354	1-35	1
08355	1-3	1
08364	25-27, 30-33	6
08365	2,3	6
08366	31,32	6
08368	24-30, 33-43	5
08369	2, 7-9, 20, 21	5
08371	2-5	5
08375	3-10, 30-33	3
08376	2, 3, 7, 8	3
08377	30-34	5
08378	10-13, 19-27, 29-37	5
08379	14-21, 26-27, 34-38	5
08395	3-6, 34-36	1
08399	24-27, 42-44	5
08400	2-15, 20-34, 43-47	5
08402	5-29	5
08404	6-11 (A-K)	3
08405	14-18 (B,D)	3
08406	5-11 (A-G); 12 (A,B); 13-18	3
08407	6-12 (A-G); 13 (A,B); 14-20	3
08408	5-11 (A-G); 12 (A-B); 12 (A-B)	3
08409	5-11 (A-G); 12 (A-B); 13-18	3
08410	5-11 (A-G); 12 (A-B); 13-18	3
08411	5-11 (A-G); 12 (A-B); 13-17	3
08412	5 (A-G); 6-11 (B-G); 12 (B); 13-16	3
08413	5 (A-G); 6 (B-G); 7 (A-G); 8-11 (B-G); 12 (B); 13-18	3
08414	5-11 (A-G); 12 (A-B); 13-18	3
08415	5-11 (B-G); 12 (B); 13-16	3
08416	5-11 (A-G); 12 (A-B); 13-17	3
08417	6-12 (A-G); 13 (A-B); 14-17	3
08418	5-11 (A-G); 12 (A-B); 13-18	3
08419	5-11 (A-G); 12 (A-B); 13-17	3
08420	6-12 (A-G); 13 (A-B); 14-18	3
08422	10-13	1

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<u>PAGE NO.</u>	<u>LINE NOS./COL. NO.</u>	<u>REASON*</u>
F01A03Z002285	15,16,18	2
002286	15,16,18	2
002287	15,16,18	2
002291	14,15,17	2
002292	5	2
002293	6	2
002294	14,15,17	2
002295	15,16,18	2
002296	5	2
002297	15,16,18	2
002298	15,16,18	2
002299	15,16,18	2
002300	15,16,18	2
002301	15,16,18	2

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<u>PAGE NO.</u>	<u>LINE NOS./COL. NO.</u>	<u>REASON*</u>
F01A03Z003469	1-47 (All Cols.)	4
003470	1-47 (All Cols.)	4
003471	1-47 (All Cols.)	4
003472	1-47 (All Cols.)	4
003473	1-47 (All Cols.)	4
003474	1-48 (All Cols.)	4
003475	1-48 (All Cols.)	4
003476	1-48 (All Cols.)	4
003477	1-48 (All Cols.)	4
003478	1-48 (All Cols.)	4
003479	1-48 (All Cols.)	4
003480	1-48 (All Cols.)	4
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003484	1-48 (All Cols.)	4
003485	1-48 (All Cols.)	4
003486	1-46 (All Cols.)	4
003487	1-46 (All Cols.)	4
003488	1-46 (All Cols.)	4
003489	1-46 (All Cols.)	4
003490	1-46 (All Cols.)	4
003491	1-46 (All Cols.)	4
003516	1-47 (All Cols.)	4
003517	1-47 (All Cols.)	4
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003519	1-47 (All Cols.)	4
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003521	1-48 (All Cols.)	4
003522	1-48 (All Cols.)	4
003523	1-48 (All Cols.)	4
003524	1-48 (All Cols.)	4

<u>PAGE NO.</u>	<u>LINE NOS./COL. NO.</u>	<u>REASON*</u>
F01A03Z003525	1-48 (All Cols.)	4
003526	1-48 (All Cols.)	4
003527	1-48 (All Cols.)	4
003528	1-48 (All Cols.)	4
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003530	1-48 (All Cols.)	4
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003538	1-46 (All Cols.)	4
003539	1-46 (All Cols.)	4

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F01B02Z003957	3-8, 10-15, 17-22, 24-29, 31-36, 38-43, 45-50, 52-57	4
003964	15-16	4
003965	31-32	4
003966	9-12, 17-21, 23-27, 29-30	4
003975	7-10	4
003980	30-34	4
003981	1-2, 30	4
003982	9-12, Cols. A-F	4
003986	6-11	4
003987	9-23	4
F01A03Z003988	5-19	4
003989	9-21	4
003991	1-11 (I-L)	4
003992	1-9 (I-L)	4
003993	4-36 (G-I)	4
004005	1-3	4
004007	7-10, 29, 30, 33	4
004008	2-4, 9-12, 21-23, 31, 32	4
004009	3-6	4
004011	2,4,5,7,8,10,11,12,14,16,17,19, 20,21,23	4
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004014	4	4
004015	6	4
004016	5	4
004017	5	4
004018	6	4
004019	3	4
004020	5	4
004022	5	4
004023	4	4
004024	3-5, 7-10, 14-18	4
004025	4	4
004026	4	4
004027	5	4

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<u>PAGE NO.</u>	<u>LINE NOS./COL. NO.</u>	<u>REASON*</u>
F01A08Z0000004	2-6, 8, 13-16, 19-26	1
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0000011	1, 4, 8 (Col. A-B); 9 (Col. A, B)	1
0000012	2-8, 10-13, 19-23, 25-30	1
0000013	1-5, 12-19 (Col. A-D), 22, 23, 29	1
0000014	3-7, 10-12 (Col. A-C), 14	1
0000015	21-26	1
0000016	3-7, 9, 10	1
0000017	1-3, 5-27	1
0000018	1-8, 10, 12-15	1
0000019	16-22, 24, 27, 28	1
0000020	1 (Col. A, B); 3, 10, 12-25	1
0000021	1-9, 12-15	1
0000022	10-17, 18, 22-25, 27, 28	1
0000023	1-8, 13-20, 24-30	1
0000024	5-11, 16-27	1
0000025	6-12, 15, 16, 18-27, 29, 30	1
0000026	4-11, 15, 17, 18, 21-25, 28, 30	1
0000027	2, 3, 5, 6	1
0000029	2-3 (Col. A-B)	-1
0000030	2-3 (Col. A-B)	1
0000031	2-3 (Col. A-B)	1
0000032	2-3 (Col. A-B)	1
0000033	2-3 (Col. A-B)	1
0000034	2-3 (Col. A-B)	1
0000035	2-3 (Col. A-B)	1
0000036	1 (Col. A-C), 4	1
0000037	1 (Col. A-C), 4	1
0000038	1 (Col. A-C), 4	1
0000039	1 (Col. A-C), 4	1
0000040	1 (Col. A-C), 4	1
0000041	1 (Col. A-C), 4	1

EXPLANATION OF PROPRIETARY DESIGNATION

1. This information reflects Southern Bell's market strategy. Southern Bell's competitors can use this information to develop their own market strategy with which to thwart Southern Bell's effort in this market. Thus, the disclosure of this information to Southern Bell's competitors would impair Southern Bell's ability to compete. In addition, this information is valuable, it is used by Southern Bell in conducting its business and Southern Bell strives to keep it secret. Therefore, it is a trade secret which should be classified as proprietary, confidential business information exempt from the Open Records Act pursuant to Section 364.183 Florida Statutes.
2. This information reflects vendor specific pricing negotiated by Southern Bell. Public disclosure of this information would impair Southern Bell's ability to contract for goods and/or services on favorable terms. Pursuant to Section 364.183, Florida Statutes, such information is classified as proprietary, confidential business information which is exempt from the Open Records Act.
3. This information reflects projected revenues and, therefore, demand for certain Southern Bell services. If this information were given to a competitor he would know how much growth Southern Bell expects in a particular service, thus telling the competitor he too should begin offering these services. This information is valuable, and is used by Southern Bell in conducting its business and Southern Bell strives to keep it secret. Therefore, such information is a trade secret which should be classified as proprietary, confidential business information pursuant to Section 364.183, Florida Statutes. In addition, this information represents research performed by Southern Bell which should not be given free of charge to entities which compete with Southern Bell. Southern Bell compiled and developed this information in order to assist it in analyzing this subject matter. Southern Bell's competitors should not be allowed to benefit from research performed at Southern Bell's expense.
4. This information contains detailed financial and strategic information for a non-BellSouth company. This information is proprietary to that Company, and Southern Bell is not at liberty to publicly disclose the financial and strategic information contained in these documents. Section 364.183(3), Florida Statutes provides that such proprietary confidential business information shared with Southern Bell, cannot be publicly disclosed without pursuance of private disclosure agreements.

5. This information reflects the network architecture Southern Bell intends to place. Competitors who offer similar services could use this information to "beat" Southern Bell to the market. Thus, the disclosure of this information to Southern Bell's competitors would impair Southern Bell's ability to compete. In addition, this information is valuable, it is used by Southern Bell in conducting its business and Southern Bell strives to keep it secret. Therefore, it is a trade secret which should be classified as proprietary, confidential business information pursuant to Section 364.183, Florida Statutes and is exempt from the Open Records Act.

6. This information reflects where, when and how much digital and/or fiber optic facilities Southern Bell intends to place. Competitors who offer fiber and/or digital based services can use this information to "beat" Southern Bell to the market. Thus, the disclosure of this information to Southern Bell's competitors would impair Southern Bell's ability to compete. In addition, this information is valuable, it is used by Southern Bell in conducting its business and Southern Bell strives to keep it secret. Therefore, it is a trade secret which should be classified as proprietary, confidential business information exempt from the Open Records Act pursuant to Section 364.183, Florida Statutes.

ATTACHMENT B

Two redacted copies with the confidential information deleted.

ATTACHMENT C

One highlighted copy of the documents with the material which is confidential and proprietary.