BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution by City Council of Port Richey for extended area service between the Hudson exchange and Tarpon Srings, Clearwater, St. Petersburg, and Tampa exchanges; also between the New Port Richey and Clearwater, St. Petersburg and Tampa exchanges.	DOCKET NO. 920642-TL ORDER NO. PSC-93-0687-CFO-TL ISSUED: May 6, 1993

ORDER GRANTING REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION OF DOCUMENTS NOS. 628-93 & 4127-93

By Resolution No. 92-5, filed by the City Council of the City of Port Richey (the City), and Resolution No. 92-233, filed by the Board of County Commissioners of Pasco County (the County), the City and the County requested that we consider implementing extended area service (EAS) between all exchanges in Pasco County and the St. Petersburg and Tampa exchanges. Accordingly, by Order No. PSC-92-0822-PCO-TL, issued August 17, 1992, we directed GTE Florida Incorporated (GTEFL), BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company, and United Telephone Company of Florida (United) to perform certain traffic studies in order to allow us to fully evaluate the propriety of EAS between these exchanges.

On December 16, 1992, GTEFL filed the required traffic data, which was designated as Document No. 14605-92, along with a request for specified confidential classification of certain portions of the data. On January 19, 1993, United submitted the required traffic information, which was designated as Document No. 628-93, along with its own request for specified confidential classification. The portions of Document No. 628-93 for which confidential classification is claimed are identified in Appendix A to this Order. No party to this proceeding has expressed any opposition to either request.

Since it filed Document No. 14605-92, GTEFL learned that a computer programming error had occurred, which apparently affected much of the original traffic data. On April 15, 1993, GTEFL submitted a revised version of the data, which has been designated as Document No. 4127-93, along with a request for confidential classification of certain portions of the data. These portions of the data are identified in Appendix B to this Order. No party to this proceeding has expressed any opposition to GTEFL's request.

The information for which United has requested specified confidential classification consists of interLATA toll statistics

obtained from AT&T Communications of the Southern States, Inc. (AT&T), pursuant to a nondisclosure agreement. Similarly, some of the material for which GTEFL has requested specified confidential classification is interLATA toll statistics obtained by GTEFL from AT&T, also pursuant to a nondisclosure agreement. The interLATA toll information consists of detailed statistics of the number of messages, minutes, and revenues for the interLATA toll routes at issue in this case. As such, GTEFL and United argue that such statistics constitute confidential, proprietary business information as a matter of Commission policy.

GTEFL has also requested specified confidential classification for certain intraLATA toll data. GTEFL argues that disclosure of these patterns of toll traffic would give its competitors an unfair advantage; they would be able to target the most lucrative toll routes by using this nonmarket-derived information. According to GTEFL, this would skew the competitive process, to the ultimate detriment of the consumer.

Upon review, it appears that the data identified in Appendix A and Appendix B to this Order constitute proprietary confidential business information pursuant to Section 364.183, Florida Statutes. As such, it shall be kept confidential and shall be exempt from Section 119.07(1), Florida Statutes, for a period of no more than eighteen months.

It is, therefore,

ORDERED by Commissioner Thomas M. Beard, as Prehearing Officer, that the request for specified confidential classification of the portions of Document No. 628-93 identified in Appendix A to this Order, filed by United Telephone Company of Florida on January 19, 1993, is hereby granted pursuant to Rule 25-22.006, Florida Administrative Code, and Section 364.183, Florida Statutes, for the reasons set forth above. It is further

ORDERED that the request for confidential classification of the portions of Document No. 4127-93 identified in Appendix B to this Order, filed by GTE Florida Incorporated on April 15, 1993, is hereby granted pursuant to Rule 25-22.006, Florida Administrative Code, and Section 364.183, Florida Statutes, for the reasons set forth above. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the confidentiality granted to Documents Nos. 628-93 and 4127-93 shall expire eighteen (18) months from the date of this Order, in the

absence of a renewed request for confidentiality pursuant to Section 364.183. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period. It is further

ORDERED that GTE Florida Incorporated's motion for a permanent protective order is hereby denied for the reasons set forth above.

By ORDER of Commissioner Thomas M. Beard, as Prehearing Officer, this 6th day of May, 1993.

THOMAS M. BEARD, Commissioner and
Prehearing Officer

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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, is 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.

APPENDIX "A"

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APPENDIX "B"

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