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ORIGINAL  
FILE COPY

November 19, 1993

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

RE: Docket No. 900960-TL 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 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.* /AB  
Sidney J. White, Jr.

Enclosures

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

RECEIVED & FILED

11/19/93 58  
EPSC-BUREAU OF RECORDS

12433-93

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Show Cause proceeding )  
against Southern Bell Telephone ) Docket No. 900960-TL  
and Telegraph Company for )  
misbilling customers )  
\_\_\_\_\_ ) Filed: November 19, 1993

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"), and files pursuant to Rule 25-22.006(4), Florida Administrative Code, and files its Request for Confidential Classification for certain portions of the Company responses to Staff's Seventh Request for Production of Documents dated September 24, 1993.

1. Southern Bell is filing its Request for Confidential Classification for portions of documents produced for Staff in response to Request No. 117. These documents are employee-specific personnel files which contain information relating to employee-specific discipline, and other employee-specific information unrelated to compensation, duties, qualifications or responsibilities. This information is expressly deemed to be confidential pursuant to § 364.183(3)(f), Florida Statutes.

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 of the documents with the confidential

DOCUMENT NUMBER-DATE

12433 NOV 19 88

FPSC-RECORDS/REPORTING

information deleted. Copies of Attachment B are not being served on the other parties in this proceeding.

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.

Employee Specific Information Unrelated to Compensation,  
Duties, Qualifications or Responsibilities

5. Certain of the documents contain employee-specific information which is contained in the named employees' personnel records, and relate to employee disciplinary matters. This information is clearly confidential and proprietary under Florida Statutes, § 354.183(f), which provides that "proprietary confidential business information" includes "employee personnel information unrelated to compensation, duties, qualifications, or responsibilities."

6. The four areas of employee personnel information that are not confidential pursuant to § 364.183(f), Florida Statutes, are compensation, duties, qualifications, and responsibilities of an employee. Employee disciplinary matters do not fit any of the exceptions and thus are confidential under § 364.183(f), Florida Statutes.

7. A review of these terms, in the context of § 364.183(f), Florida Statutes, reveals their meaning. "Compensation" is the amount of money or other value that an employee is paid to perform his or her job duties. "Duties" are the particular acts an employee

is expected to perform as a part of his or her job. "Qualifications" are the skills, knowledge, and abilities needed to perform a particular job. Finally, "responsibilities" are those things that an employee is obliged to do as part of his or her job. These meanings are confirmed by the dictionary definition of these words. Webster's definitions of these terms are as follows:

- A. Compensation - payment, wages.
- B. Duty - the action required by one's position or occupation.
- C. Qualification - something that qualifies; a condition that must be complied with.
- D. Responsibility - the quality or state of being responsible.

Webster's Seventh New Collegiate Dictionary, 1970. A reading of these commonly-understood definitions makes it clear that the disciplining of an employee is not encompassed within any of the concepts of the definitions set forth above.

8. Section 364.183(3) Florida Statutes, provides that in addition to the specifically identified types of documents that are confidential, such as those enumerated in subsection (f), any document that, if disclosed, "would cause harm to the ratepayers or the person's or company's business operations... is also entitled to protection." As will be shown hereafter, the potential for harm to Southern Bell's business operations that would result from public disclosure of the subject information is substantial.

9. The disciplinary matters related to some of the employees shown in the documents produced in response to Item No. 117 were the result of Southern Bell's internal investigation of such matters.

The level of any disciplinary action that was taken was based upon the magnitude of the actions of the particular employees in question. It was never contemplated by either the Company or the individuals involved that there would be a subsequent public disclosure that would subject any disciplined employees to the additional punishment of public opprobrium and scorn. In effect, any public disclosure of the discipline applied to these employees would convert internal discipline into an inappropriate and inflammatory "public shaming" of these employees.

10. The public disclosure of the nature of any discipline and the ultimate resolution of such matters in these cases would have a significantly deleterious effect on morale that, in turn, would serve as a practical impediment to the functioning of the Company. Those who cooperate with the efforts of the company to address employment-related labor issues do so on the well-founded assumption that the information will be handled discreetly, appropriately, and that it will result in discipline that is warranted. If Southern Bell is now forced to reveal publicly the nature of disciplinary actions relating to any of these employees, then these employees will no doubt feel that their good faith efforts to address any problems that may have occurred have been betrayed. It is easy to see how this sense of betrayal could result in morale problems that would be both widespread and severe.

11. Moreover, public disclosure could well result not only in general morale problems, but also in a general employee wariness and concern that would make future attempts to remedy internal business-

related issues far more difficult. Southern Bell can only effectively investigate its internal business affairs with the cooperation of its employees. In this case, the public exposure of the details of any discipline that might have been applied to these employees could likely lead to a diminished capability of the Company to police its internal business matters.

12. Further, the managers of Southern Bell who are charged with the duty of administering employee discipline will unquestionably be hesitant to do so if they know that any employee disciplined for even the most minor infraction may later have that discipline disclosed and widely published.

13. To reveal this information publicly would serve no purpose whatsoever. Arguably, if disclosure of the details of the discipline applied to any of these named employees served some public purpose, or if this disclosure were necessary for this Commission to deal thoroughly with the issues of this docket, then a balancing test might be necessary. That is, the Commission would need to balance the benefits to be derived from public disclosure against the detriment to the Company and the employees. In this case, however, public disclosure will result in no benefit whatsoever.

14. This Commission can fully consider all issues pertinent to this docket, based on the information that Southern Bell has already provided, which includes the names of employees disciplined. It is only the public disclosure of these employees' names together with disciplinary actions taken against the employees that Southern Bell seeks to prevent. Southern Bell has stated previously that it does


not generally object to public disclosure of the extent of the employee discipline, the type of discipline, and the number of persons disciplined. However, there simply is nothing to be gained by the additional public disclosure of these data in a manner which will publicly link certain discipline with discrete individuals. To hold otherwise will do nothing more than damage, perhaps irreparably, the reputations of individual Southern Bell employees and expose them personally to public ridicule.

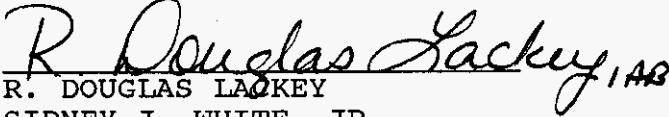
15. Southern Bell has treated and intends to continue to treat the material for which confidential classification is sought as private, and this information has not been generally disclosed.

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 19th day of November, 1993.

SOUTHERN BELL TELEPHONE  
AND TELEGRAPH COMPANY

  
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FPSC DOCKET 900960-TL  
SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
STAFF'S 7TH REQUEST FOR PRODUCTION OF DOCUMENTS

JUSTIFICATION FOR CONFIDENTIALITY REQUEST

1. This information is employee personnel information unrelated to compensation, duties, qualifications and responsibilities. As such, this information is confidential business information pursuant to Section 364.183, Florida Statutes, and is exempt from the requirement of public disclosure of Section 119.07, Florida Statutes.

LOCATION OF PROPRIETARY MATERIAL

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

<u>PAGE</u>	<u>LINE/COLUMN NO.</u>	<u>REASON</u>
F04B12Z 0000007	5-7	1
008	5-13	1
009	5-11	1
010	5,6	1
011	5,6	1
012	5,6	1
013	5-8,10,12,14,15	1
014	All Lines in blocks 3, 6 & 7	1
015	All Lines in blocks 3, 6 & 7	1
016	All Lines in blocks 3, 6 & 7	1
017	All Lines in blocks 3, 6 & 7	1
031	5,6	1
032	5,6	1
033	5,6	1
034	All Lines in blocks 3 & 6	1
035	9,10,11	1
043	5-7	1
049	5-7	1
066	All Lines in blocks 3, 6 & 7	1
067	5-8	1
068	All Lines in blocks 3, 6 & 7	1
070	12-14	1
071	7-10,12-15	1
072	9,10	1
073	12	1
074	7-10,12	1
075	9-12	1
076	12	1



FPSC DOCKET 900960-TL  
SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
STAFF'S 7TH REQUEST FOR PRODUCTION OF DOCUMENTS  
JUSTIFICATION FOR CONFIDENTIALITY REQUEST

<u>PAGE</u>	<u>LINE/COLUMN NO.</u>	<u>REASON</u>
F04B12Z 0000077	7,8,10,11	1
078	9-12	1
079	12	1
080	7-10,12,13	1
081	9-12	1
082	8-16	1
086	5,6	1
087	5,6	1
099	All Lines in blocks 3, 6, 7 & 12	1
100	12	1
101	7-9,11	1
102	9	1
107	5-7	1
110	All Lines in blocks 3, 6, 7 & 12	1
111	3-22	1
125	5-7	1
126	5,6	1
127	5-9	1
128	All Lines in blocks 3, 6, 7 & 12	1
129	2-21	1
130	3-5	1
131	All Lines in blocks 3, 6, 7 & 12	1
133	5-7	1
134	All Lines in blocks 3 & 6	1
136	All Lines in blocks 3, 6 & 7	1
138	All Lines in blocks 3, 6 & 7	1
145	5-7	1
146	5-12	1
147	All Lines in blocks 3, 6 & 7	1
150	5-7	1
155	12-14	1
156	7-9,11	1
157	9,10	1
166	5-7	1
167	5-11,15-17	1
168	All Lines in blocks 3, 6, 7 & 12	1
169	2-21	1

**CERTIFICATE OF SERVICE**

**Docket No. 920260-TL**

**Docket No. 900960-TL**

**Docket No. 910163-TL**

**Docket No. 910727-TL**

I HEREBY CERTIFY that a copy of the foregoing has been  
furnished by United States Mail this 19th day of November, 1993  
to:

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*Sidney J. White, Jr. / 1983*