

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Comprehensive review of revenue requirements and rate stabilization plan of SOUTHERN BELL.)	DOCKET NO. 920260-TL
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In Re: Investigation into the integrity of SOUTHERN BELL'S repair service activities and reports.)	DOCKET NO. 910163-TL
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In Re: Investigation into SOUTHERN BELL'S compliance with Rule 25-4.110(2), F.A.C., Rebates.)	DOCKET NO. 910727-TL
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In Re: Show cause proceeding against SOUTHERN BELL for misbilling customers.)	DOCKET NO. 900960-TL
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In Re: Request by Broward Board of County Commissioners for extended area service between Ft. Lauderdale, Hollywood, North Dade and Miami.)	DOCKET NO. 911034-TL ORDER NO. PSC-93-1730-CFO-TL ISSUED: December 1, 1993
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TEMPORARY PROTECTIVE ORDER FOR
RATE CASE AUDIT IN DOCKET NO. 920260-TL

The Staff of the Division of Auditing and Financial Analysis (AFAD) of the Florida Public Service Commission (the Commission) has been conducting audit field work relating to its Rate Case Audit of BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the Company). AFAD Staff completed this field work and held a field audit exit conference on November 10, 1993, with representatives of both AFAD Staff and the Company present. At the field audit exit conference, Staff identified certain documents and information that it desired to include in its audit workpapers. Southern Bell has asserted that a large number of these documents contain proprietary confidential business information, as that term is defined in Rule 25-22.006, Florida Administrative Code, and Section 364.183, Florida Statutes.

The Prehearing Officer has been holding monthly status conferences with the parties during the time these dockets have

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been pending. At the November 22, 1993, status conference, the Office of Public Counsel (OPC) made an oral motion for access to the above-referenced audit and associated work papers. Presently, these documents are being held in the Commission's confidential files, pursuant to the Notice of Intent to Request Confidential Classification (Notice of Intent) filed by Southern Bell at the audit exit conference. At the status conference, Southern Bell asserted that it had no objection to OPC having access to the Rate Case Audit and workpapers, so long as the information is treated as confidential, pursuant to its Notice of Intent, and subject to the Company's subsequent submission of a Request for Confidential Classification, which was not yet due at the time of the status conference. Southern Bell's request for interim protection is made pursuant to Rule 25-22.006(5)(c).

The purpose of a temporary protective order issued pursuant to Rule 25-22.006(5)(c) is to facilitate the examination of potentially confidential information by temporarily exempting the information from the disclosure provision of Florida's Public Records Act, Section 119.07(1), Florida Statutes. Under the Rule, if information subject to a temporary protective order is to be used in a proceeding, then the utility must file a specific request for confidential treatment. Alternatively, if the material is not to be used in a proceeding, then the material shall be returned to the utility. In the instant case, Staff has already informed the parties of its intent to use the subject information in the upcoming hearing; therefore, a specific request for confidential treatment shall be forthcoming from the Company. Since the Company filed its Notice of Intent on November 1, 1993, a specific request for confidentiality is due on or before the close of business December 1, 1993.

In view of the purpose of Rule 25-22.006(5)(c), it is appropriate to provide the relief requested. Accordingly, OPC shall be granted access to the above-referenced audit report and workpapers, which shall be kept confidential and shall be exempt from public disclosure under Section 119.07(1), for the duration of this temporary protective order. This will allow OPC to analyze documents which are intended to be utilized at the upcoming hearing. This interim protective order shall expire at the time this Commission enters its ruling upon the Company's request for confidential classification, and shall have no effect on the ultimate determination of the merits of that request.

Based on the foregoing, it is

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ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that the Office of Public Counsel's oral motion for access to the Rate Case Audit and associated workpapers is hereby granted as set forth in the body of this Order. It is further

ORDERED that this Temporary Protective Order shall expire upon a final determination of the confidential classification of the subject materials and information. It is further

ORDERED that this Order shall have no effect on the subsequent determination of any request for specified confidential classification of any of the subject materials and information.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 1st day of December, 1993.



SUSAN F. CLARK, 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, if 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.