

NANCY B. WHITE  
General Attorney

Southern Bell Telephone  
and Telegraph Company  
150 South Monroe Street  
Suite 400  
Tallahassee, Florida 32301  
(404) 529-5387

ORIGINAL  
FILE COPY

December 1, 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. 920260-TL

Dear Mr. Tribble:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Request for Confidential Classification and Motion for a Permanent Protective Order. 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,

*Nancy B. White* <sup>1A13</sup>  
Nancy B. White

Enclosures

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

RECEIVED & FILED

*JJ*

DEC 1 1993

DOCUMENT NUMBER-DATE

12863 DEC-1 93

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL  
FILE COPY

In re: Comprehensive Review of )  
the Revenue Requirements and Rate ) Docket No. 920260-TL  
Stabilization Plan of Southern )  
Bell Telephone and Telegraph ) Filed: December 1, 1993  
Company )  
\_\_\_\_\_ )

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
AND MOTION FOR A PERMANENT PROTECTIVE ORDER

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 Code, and Rules 1.280(c), Florida Rules of Civil Procedure, and files its Request for Confidential Classification and Motion for a Permanent Protective Order regarding portions of and exhibits attached to the testimony of R. Earl Poucher, witness for the Office of Public Counsel ("Public Counsel") filed on November 8, 1993 in the above-captioned docket. In support of its Request and Motion, Southern Bell shows the following:

1. During the course of this proceeding, Public Counsel has conducted extensive discovery of Southern Bell. Documents have been delivered to Public Counsel in response to Public Counsel's requests for production of documents and interrogatories. Those documents were the subject of Motions for a Temporary Protective Order filed herein and consequently are currently treated by Public Counsel as confidential materials.

2. Public Counsel has used certain documents and information in this proceeding as part of the testimony and exhibits of Public Counsel's witness, R. Earl Poucher.

Therefore, Southern Bell herewith files its Request for

DOCUMENT NUMBER-DATE

12863 DEC-18

FPSC-RECORDS/REPORTING

Confidential Classification and its Motion for Permanent Protective Order for the information contained in the testimony and exhibits of the witness for Public Counsel. Southern Bell has appended to this Request for Confidential Classification as Attachment "A" a listing of the location in the documents of the information designated by Southern Bell as confidential, together with a statement indicating why the material should be treated as confidential proprietary business information.

3. Appended hereto in an envelope designated as Attachment "B" are two copies of the documents with the confidential information deleted. Appended hereto in an envelope designated as Attachment "C" is a copy of the documents with the proprietary information highlighted.

4. The information deemed to be confidential by Southern Bell and identified in Attachment "A" consists of a Company commissioned study and related information analyzing and assessing key aspects of the Company's internal business practices and relationships and internal training materials purchased from an outside vendor. This information is included as proprietary confidential business information under Section 364.183(3), (3)(a), (3)(d) and (3)(e), Florida Statutes and Rule 25-22.006, Florida Administrative Code.

5. A Commission order compelling disclosure of the information communicated in this study would invade the principle of confidentiality that was its cornerstone and which was absolutely necessary for its effectiveness. Wholesale compelled

disclosure of this information would result in a chilling effect on internal communications vital to the goals of continuous corporate improvement and the internal policing of the Company's affairs. Such a result would be contrary to the public interest. This Commission has the obligation and responsibility to balance the need for disclosure against the overriding public policy supporting corporate improvement.

6. There was a justifiable expectation of strict confidentiality of communications between the employees questioned and the interviewers hired by the Company. Any public disclosure of the statements or other communications received by the interviewers would send the extremely destructive signal to Company employees that "confidential" does not really mean confidential. This would likely render any future studies far less effective.

7. If a program promises confidentiality, and later it is found that such confidentiality does not exist, or that information discussed purportedly in confidence may be disclosed in legal proceedings, such employees are unlikely to trust the system and will abandon it. If this were to occur, the ironic result would be that information or communications that could be conveyed and used as a catalyst for positive improvement within the Company will not be communicated, and this vehicle for information and timely responses to a broad array of workplace problems and issues will be disabled.

8. The information sought to be protected herein is analogous to that protected in Order No. PSC-93-1689-CFO-TL, issued on November 22, 1993.

9. In accordance with Rule 25-22.006, Florida Administrative Code, the information for which confidential treatment is sought is intended to be and is treated by the Company as private and has not been disclosed on a non-confidential basis.

WHEREFORE, Southern Bell Telephone and Telegraph Company moves the Prehearing Officer to enter an Order declaring the information described above, and contained in the indicated portions of the attached exhibits, to be confidential proprietary business information and thus not subject to public disclosure.

Respectfully submitted this 1st day of December, 1993.

SOUTHERN BELL TELEPHONE  
AND TELEGRAPH COMPANY

*Harris R. Anthony* IAB  
HARRIS R. ANTHONY  
c/o Marshall M. Criser, III  
Suite 400  
150 South Monroe Street  
Tallahassee, Florida 32301  
(305) 530-5555

*R. Douglas Lackey* IAB  
R. DOUGLAS LACKEY  
NANCY B. WHITE  
4300 Southern Bell Center  
675 West Peachtree Street, N.E.  
Atlanta, Georgia 30375  
(404) 529-5387

**ATTACHMENT "A"**  
**FPSC DOCKET 920260-TL**  
**R. EARL POUCHER TESTIMONY**

JUSTIFICATION FOR CONFIDENTIALITY REQUEST

1. This information relates to a Company commissioned study and related information which analyzes and assesses key aspects of Southern Bell's internal business practices and relationships. As such, this information is proprietary confidential business information pursuant to Section 364.183, Florida Statutes.

The following information identified by page and line numbers is confidential and proprietary for the reasons described above:

<u>PROPRIETARY</u>	<u>PAGE</u> <u>NO.</u>	<u>LINE NOS.</u>	<u>REASONS</u>
TESTIMONY	22	26 - 30	1
	23	1 - 3, 18 - 25	1
	24	1 - 25	1
	25	1 - 25	1
	26	1 - 20	1
<u>EXHIBIT NO.</u>			
REP-11	3	1 - 3, 5, 10 - 12	1
	4	1, 2, 24 - 26	1
	5	5 - 7, 11, 12, 14, 15, 26, 27, 28, 29, 35, 36	1
REP-12	5	33, 34	1
	6	14	1
	7	11 - 13	1
	8	23, 24, 25, 28, 29, 30, 31	1
	9	7, 8	1
	12	14, 15, 21 - 23, 31 - 34	1
	13	5 - 7, 9 - 13, 25 - 28, 33, 34	1
	14	16 - 18, 23 - 26, 31 - 33	1
	15	11 - 15, 18 - 20	1
	18	2 - 11	1
	21	20, 31 - 33, 35, 36	1
	22	7, 9 - 15, 18 - 21, 26, 28, 29, 32 - 35	1
	25	7 - 11, 17 - 20, 23 - 27	1
	26	8 - 12, 16 - 22	1
	27	10 - 15	1
	30	12, 15, 16, 18 - 24	1
	31	14 - 16	1
	34	23, 24	1
	35	14 - 17	1
	37	21, 22, 24, 25	1
	39-62	ALL LINES	1

	<u>PAGE</u> <u>NO.</u>	<u>LINE NOS.</u>	<u>REASONS</u>
REP-13	ALL	ALL	1
REP-14	ALL	ALL	1

**ATTACHMENT "B"**

Two copies of the document with the confidential information deleted.



**ATTACHMENT "C"**

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

**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 1st day of December, 1993 to:

Robin Norton  
Division of Communications  
Florida Public Service  
Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0866

Charles J. Beck  
Deputy Public Counsel  
Office of the Public Counsel  
111 W. Madison Street  
Room 812  
Tallahassee, FL 32399-1400

Tracy Hatch  
Division of Legal Services  
Florida Public Svc. Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0863

Michael J. Henry  
MCI Telecommunications Corp.  
780 Johnson Ferry Road  
Suite 700  
Atlanta, Georgia 30342

Joseph A. McGlothlin  
Vicki Gordon Kaufman  
McWhirter, Grandoff & Reeves  
315 South Calhoun Street  
Suite 716  
Tallahassee, FL 32301-1838  
atty for FIXCA

Richard D. Melson  
Hopping Boyd Green & Sams  
Post Office Box 6526  
Tallahassee, Florida 32314  
atty for MCI

Kenneth A. Hoffman  
Messer, Vickers, Caparello,  
Madsen, Lewis & Metz, PA  
Post Office Box 1876  
Tallahassee, FL 32302  
atty for FPTA

Rick Wright  
Regulatory Analyst  
Division of Audit and Finance  
Florida Public Svc. Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0865

Michael W. Tye  
AT&T Communications of the  
Southern States, Inc.  
106 East College Avenue  
Suite 1410  
Tallahassee, Florida 32301

Laura L. Wilson, Esq.  
c/o Florida Cable Television  
Association, Inc.  
Post Office Box 10383  
310 North Monroe Street  
Tallahassee, FL 32302  
atty for FCTA

Dan B. Hendrickson  
Post Office Box 1201  
Tallahassee, FL 32302  
atty for FCAN

Chanthina R. Bryant  
Sprint Communications Co.  
Limited Partnership  
3065 Cumberland Circle  
Atlanta, GA 30339

Benjamin H. Dickens, Jr.  
Blooston, Mordkofsky,  
Jackson & Dickens  
2120 L Street, N.W.  
Washington, DC 20037  
Atty for Fla Ad Hoc

C. Everett Boyd, Jr.  
Ervin, Varn, Jacobs, Odom  
& Ervin  
305 South Gadsen Street  
Post Office Drawer 1170  
Tallahassee, Florida 32302  
atty for Sprint

Florida Pay Telephone  
Association, Inc.  
c/o Mr. Lance C. Norris  
President  
Suite 710, Barnett Bank Bldg.  
315 South Calhoun Street  
Tallahassee, FL 32302

Monte Belote  
Florida Consumer Action Network  
4100 W. Kennedy Blvd., #128  
Tampa, FL 33609

Donald L. Bell, Esq.  
104 East Third Avenue  
Tallahassee, FL 32303  
Atty for AARP

Angela Green  
Division of Legal Services  
Florida Public Svc. Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0863

Gerald B. Curington  
Department of Legal Affairs  
Room 1603, The Capitol  
Tallahassee, FL 32399-1050

Mr. Douglas S. Metcalf  
Communications Consultants,  
Inc.  
631 S. Orlando Ave., Suite 250  
P. O. Box 1148  
Winter Park, FL 32790-1148

Mr. Cecil O. Simpson, Jr.  
General Attorney  
Mr. Peter Q. Nyce, Jr.  
General Attorney  
Regulatory Law Office  
Office of the Judge  
Advocate General  
Department of the Army  
901 North Stuart Street  
Arlington, VA 22203-1837

Mr. Michael Fannon  
Cellular One  
2735 Capital Circle, NE  
Tallahassee, FL 32308

Floyd R. Self, Esq.  
Messer, Vickers, Caparello,  
Madsen, Lewis, Goldman & Metz  
Post Office Box 1876  
Tallahassee, FL 32302-1876  
Attys for McCaw Cellular

Stan Greer  
Division of Communications  
Florida Public Svc. Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0863

*Nancy White, PC*