

NANCY B. WHITE
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**ORIGINAL
FILE COPY**

Southern Bell Telephone
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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
Nancy B. White
(24)

Enclosures

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

DOCUMENT NUMBER-DATE

12866 DEC-1 93

FPSC-RECORDS/REPORTING

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:

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Nancy B White
(22)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**ORIGINAL
FILE COPY**

In re: Comprehensive Review of)
the Revenue Requirements and Rate)
Stabilization Plan of Southern)
Bell Telephone and Telegraph)
Company)
_____)

Docket No. 920260-TL
Filed: December 1, 1993

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 Thomas C. Deward, 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, Thomas C. Deward.

Therefore, Southern Bell herewith files its Request for

DOCUMENT NUMBER-DATE

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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" contains several categories of proprietary information, each of which will be discussed herein.

5. The first category of information sought to be protected contains competitively sensitive information relating to the directory advertising operations of one of Southern Bell's unregulated affiliates, BellSouth Advertising and Publishing Company ("BAPCO"), and as such the information contained therein is proprietary confidential business information under Section 364.183(3)(e), Florida Statutes. This information contains actual and forecasted unregulated expenses, as well as net income information and forecasted revenue information.

6. The directory advertising business is a competitive business, and companies participating in that market do not typically share their expenses, profit margins and projected revenue information with their competitors. Section 364.183(3)(e), Florida Statutes, specifically includes "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information" as proprietary confidential business information. The cost structure and profitability of competitive enterprises is considered to be proprietary business information and is not generally shared publicly, and is certainly not shared directly with competitors of these companies. Knowledge of discrete elements in a competitor's cost structure in the context of the directory advertising business, would make it easier to estimate the competitor's overall costs which must be covered through advertising revenues. Consequently, knowledge of a competitor's costs could help in setting strategic advertising rates in certain markets subject to the greatest competition.

7. Knowledge of another competitor's revenue and cost structure trends for the future clearly places the firm possessing such knowledge in a superior position relative to the other company. Such knowledge could be even more valuable to competitors than past information since it discloses a company's planned financial results and its expectations concerning competitive efforts. Accordingly, disclosure would give others a competitive advantage which would result in competitive harm and

impair the effectiveness of Southern Bell's unregulated affiliate's directory advertising business. If BAPCO's revenue stream were to be adversely affected, then Southern Bell's share of these total revenues could also be diminished, resulting in an adverse impact on Southern Bell's regulated revenues in the State of Florida.

8. The second category of information sought to be protected consists of payments to legal firms and/or consulting firms hired by the Company to represent the Company in lawsuits either brought by or against the Company. This information is considered by Southern Bell to be proprietary confidential business information under Section 364.183(3), Florida Statutes inasmuch as disclosure of the information would cause harm to the Company's business operations. Release of this information could disclose to Southern Bell's adversaries in these lawsuits, the settlement or general value of the case to Southern Bell by showing how much Southern Bell was willing to spend to defend or pursue the lawsuit. This would give a decidedly unfair advantage to Southern Bell's opponents in these lawsuits.

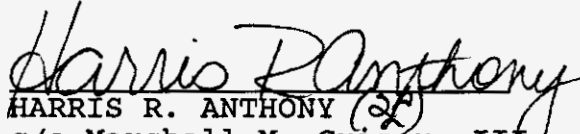
9. In accordance with Rule 25-22.006, Florida Administrative Code, the information for which confidential treatment is sought is intended to be and is treated by the Company as private and has not been disclosed on a non-confidential basis.

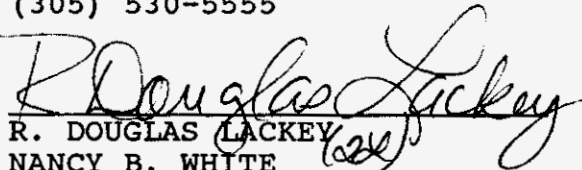
WHEREFORE, Southern Bell Telephone and Telegraph Company moves the Prehearing Officer to enter an Order declaring the

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


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ATTACHMENT A

Request for Confidential Classification
Testimony of Thomas C. DeWard
FPSC Docket 920260-TL

A. Reasons Information is Proprietary

1. This information relates to Southern Bell's unregulated products and services, the disclosure of which would impair the competitive business and/or unregulated operations of Southern Bell. This includes information relating to the revenues, expenses or investment in these unregulated products and services. This information could be used by competitors to harm Southern Bell in its marketing of its unregulated products and services. As such, this information is classified as confidential business information pursuant to Section 364.183, Florida Statutes, and is exempt from the Open Records Act.
2. Some of the information reveals the payments and/or settlements made to legal firms and/or consulting firms related to contested cases which would bring harm to Southern Bell if publicly released. This information is treated as Proprietary and Confidential Business information by Southern Bell. Pursuant to Section 364.183, Florida Statutes, such information is classified as proprietary, confidential business information which is exempt from the Open Records Act.

B. Location of Proprietary Information

<u>Page #</u>	<u>Line/Column</u>	<u>Reason</u>
13	15	1
19	1,3,4,6,22	1
20	2	1
21	3,4,9,11,20,21	1
24	1-3	1
25	15,19	1
26	2	1
Schedule 2		
2	26-30, 35-37, 41	1
4	10,21,23	1
Schedule 20		
	6,7	1
Schedule 35		
1	28-32	2
2	16,17	2
Schedule 46		
	13,14	2

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.