

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for confidential ) DOCKET NO. 940836-TL  
treatment of information ) ORDER NO. PSC-95-0152-CFO-TL  
contained in document entitled ) ISSUED: February 2, 1995  
"Marketing of CPE, Inside Wire, )  
and Voice Messaging by Four )  
Florida Local Exchange )  
Companies," produced by Division )  
of Research and Regulatory )  
Review, by UNITED TELEPHONE )  
COMPANY OF FLORIDA, CENTRAL )  
TELEPHONE COMPANY OF FLORIDA, )  
AND GTE FLORIDA INCORPORATED. )  
\_\_\_\_\_ )

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION  
OF DOCUMENT NO. 08191-94

On July 25, 1994, the Bureau of Regulatory Review of this Commission mailed a draft of its report entitled "Marketing of CPE, Inside Wire & Voice Messaging by Four Florida Local Exchange Companies" with company-specific information to United Telephone Company and Central Telephone Company (United/Centel) and three other local exchange telephone companies. Company-specific information was omitted for all companies except United/Centel in this draft.

On August 11, 1994, United/Centel submitted a highlighted, unredacted copy of the same draft indicating that parts of the Document contained confidential material. This submission was designated as Document No. 08191-94, cross-reference Document No. 07697-94. A request for confidential classification accompanied the submission. No response in opposition to the request has been filed.

Pursuant to Section 119.01, Florida Statutes, documents submitted to this Commission are public records. The only exceptions to this law are specific statutory exemptions and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision.

Pursuant to the provisions of Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, United/Centel has the burden of demonstrating that the materials qualify for specified confidential classification. According to Rule 25-22.006, Florida Administrative code, United/Centel must meet this burden by demonstrating that the materials fall into

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one of the statutory examples set forth in Section 364.183, Florida Statutes, or by demonstrating that the information is proprietary confidential business information, the disclosure of which will cause United/Centel or its ratepayers harm.

Page 39, Section 5.3, Voice Messaging Service, Second Paragraph, Line 2 of Document No. 08191-94 includes the percentages of subscribership to this service. Page 40, Section 5.4, Inside Wire Services, First Paragraph, Lines 6 and 7 of Document No. 08191-94 reveals the percentages of subscribership to these services. United/Centel states that, regarding the Voice Messaging Service, the percentages of subscribership are confidential for Centel but not for United because Centel Voice Messaging Service is not regulated and United's Voice Messaging Service is regulated.

United/Centel asserts that the information is entitled to confidential classification because this information could impair its competitive business. It claims that disclosure of this information would provide competitors with an advantage in competing for customers by enabling those competitors to underprice United/Centel or to severely reduce United/Centel's profit margins, and to target specific markets based on United/Centel's penetration rates.

On consideration, Page 39, Section 5.3, Second Paragraph, Line 2 and Page 40, Section 5.4, First Paragraph, Lines 6 and 7 of Document No. 08191-94 Document No. 08191-94 deserves protection pursuant to Section 364.183(3) Florida Statutes. This information has the potential to help competitors of United/Centel and, thus, has the potential to cause business harm.

Based on the foregoing, it is

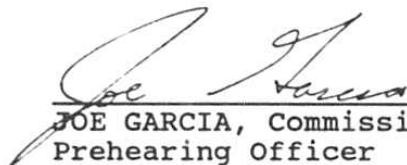
ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that the request for confidential classification of Document No. 08191-94, filed by United/Centel is granted as outlined in the body of this Order. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, any confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 364.183. It is further

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

By ORDER of Commissioner Joe Garcia, as Prehearing Officer, this 2nd day of February, 1995.

  
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JOE GARCIA, Commissioner and  
Prehearing Officer

( S E A L )

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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

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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.