

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Extended Area) DOCKET NO. 870790-TL
Service throughout Gilchrist County) ORDER NO. 21453
) ISSUED: 6-27-89

ORDER REGARDING CONFIDENTIALITY

Pursuant to Rule 25-22.006(4), Florida Administrative Code, Southern Bell Telephone and Telegraph Company (Southern Bell) has requested confidential treatment for certain filings in the above docket before the Florida Public Service Commission.

In Order No. 20607, Southern Bell was required by this Commission to file a pocket traffic study based upon certain identified criteria for the following exchanges: (1) the Gilchrist County portion of the High Springs exchange to the Branford and Trenton exchanges; and (2) the Gilchrist County portion of the Branford exchange to the High Springs, Newberry and Trenton exchanges. Southern Bell subsequently filed the required traffic study, on March 29, 1989. On May 2, Southern Bell refiled the traffic studies by Order No. 20607 but accompanied this second filing with a request for confidential status for certain portions of the traffic studies. The essence of Southern Bell's request is that the required traffic study involves certain interLATA routes which are subject to competition and the information contained in the study is "highly valuable competitive information." Southern Bell further states that it has a continuing obligation under the terms of an agreement to treat this interLATA traffic and billing data as proprietary to the interexchange carrier (IXC) which in this case is AT&T Communications of the Southern States, Inc. (AT&T-C).

Pursuant to Section 119.07(1), Florida Statutes, all company data provided to this Commission shall become public record unless specifically exempted. An exemption broadly defined in Section 119.07(3) is that of confidential information. Section 364.183(3), Florida Statutes, generally defines proprietary confidential business information as, among other things:

trade secrets, and information concerning bids or other contractual data, the disclosure of which would impair the efforts of the utility to contract for services on favorable terms.

Initially, it is notable that Southern Bell has not alleged that disclosure of the information for which confidential treatment is sought would impair its efforts to contract for service on favorable terms. Moreover, the data requested in Order No. 20607 would not generally be of a confidential nature. Based upon an examination of the documents identified in the above-referenced Request for Specified Confidential Treatment, I find that the said documents do not contain information which, if released, could affect the ability of Southern Bell to contract for and provide service on favorable terms. Nor do I find that the data is so unique as to be considered a trade secret. Thus, the Request should be denied since the documents hold no confidential information.

As to the IXC, in this case AT&T-C, Southern Bell may not maintain a Request for Confidential Treatment on its behalf. Once notice is given by Southern Bell that data will be filed

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with the Commission, the IXC as owner or "source" of this data, must file the request to have it exempted from the public records laws. See Rules 25-22.006(1)(i) and 25-22.006(4)(c), Florida Administrative Code. Finally, it is important to note that the data has been part of the public record since March 29, 1989 and this Commission has not yet received a request for confidential treatment for this data from AT&T.

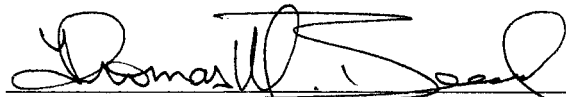
This is a tentative ruling regarding the confidential nature of information filed with the Florida Public Service Commission in the above docket. In the absence of a protest to this Order, this ruling will serve as a final determination with respect to the confidentiality of the matters in issue.

In consideration of the above, it is

ORDERED by the Florida Public Service Commission that the Request for Specified Confidential Treatment filed by Southern Bell Telephone and Telegraph Company, is hereby denied for the filing identified herein. It is further

ORDERED that if, pursuant to Rule 25-22.006(2)(f), Florida Administrative Code, a protest is filed within fourteen (14) days of the date of this Order, it will be resolved by the appropriate Commission panel pursuant to Rule 25-22.006(3)(d), Florida Administrative Code.

By ORDER of Commissioner Thomas M. Beard, as Prehearing Officer, this 27th day of JUNE, 1989.


THOMAS M. BEARD, Commissioner
and Prehearing Officer

(S E A L)

JCD

M E M O R A N D U M

June 23, 1989

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (J. DAVIS)
RE: DOCKET NO. 870790-TL - REQUEST FOR EXTENDED AREA SERVICE
THROUGHOUT GILCHRIST COUNTY

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Attached is an Order Regarding Confidentiality in the above-referenced docket, which is ready to be issued.

JCD/mgf

Attachment

cc: Division of Communications