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July 11, 1989

Steve Tribble, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, FL 32399-0850

Re: Docket No. 870790-TI


Dear Mr. Tribble:

Enclosed herein for filing on behalf of ALLTEL Florida, Inc., please find fifteen (15) copies of a Protest of Order Regarding Confidentiality pursuant to Rule 25-22.006, F.A.C.

Please acknowledge receipt of this filing on the copy provided and return it to the undersigned.

Copies have been provided to parties of record.

Sincerely,


Norman H. Horton, Jr.

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DOCUMENT NUMBER-DATE

06786 JUL 11 1989

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Extended) Docket No. 870790-TI
Area Service throughout Gilchrist)
County) Filed: July 11, 1989
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PROTEST OF ORDER REGARDING CONFIDENTIALITY

ALLTEL Florida, Inc. (ALLTEL), pursuant to Rule 25-22.006, F.A.C., herewith files its protest to Order No. 21452 issued June 27, 1989. In support of its protest ALLTEL would show:

1. Order No. 21452 issued June 27, 1989, is a tentative ruling by the prehearing officer in this docket denying a request submitted by ALLTEL for confidential treatment of portions of a traffic study. The study was performed and filed in response to direction by this Commission. Upon filing the study, ALLTEL requested that portions of the study involving interLATA routes be provided confidential treatment pursuant to Rule 25-22.006, F.A.C. In response to the request for confidential treatment, the prehearing officer has issued a tentative ruling denying that request, determining that ALLTEL is not the proper party to maintain the request for confidential treatment, and that ALLTEL had not asserted that the release of the information would affect or impair its efforts to contract for service on favorable terms.

2. As to whether ALLTEL is the proper party to maintain this request, it is respectfully submitted that the determination of the Commission in this regard is in error. The traffic information at issue herein is created by ALLTEL when it records and bills calls

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for AT&T or for any IXC for that matter. Order No. 21452 suggests that ALLTEL is not the source of the data; however, Rule 25-22.006 (1)(i), F.A.C. defines "source" in part to include a person who created the material and whose interest may be affected by the disclosure of the material. In performing its contractual undertaking with AT&T and other IXCs, as they may become providers, ALLTEL creates the data from which the traffic information is taken. As such, ALLTEL is a "source" and an appropriate party to raise the issue of confidential treatment of this data.

3. As to the tentative ruling that release of the information would not affect the ability of ALLTEL to contract for service on favorable terms, it is correct that this specific allegation was not raised in the initial request. That should not be determinative of the request for confidentiality however. ALLTEL asserted that the traffic study involves certain interLATA routes which are subject to competition under the orders of this Commission. Traffic on competitive routes has consistently been determined to be valuable trade information subject to protection from disclosure. It was further pointed out that because of the regard for protecting this information from disclosure, ALLTEL has an agreement with AT&T (and would have similar agreements with other IXCs should the case arise) to treat this billing data as proprietary. The traffic information constitutes valuable information to both ALLTEL and the IXC. ALLTEL provides a service to the IXC and the ability to market that service to a IXC would be seriously hampered in the event that ALLTEL is unable to provide

protection against disclosure of proprietary confidential business information. In the event ALLTEL cannot provide the protection necessary it is conceivable that alternate arrangements would be made. In that event the company and its customers would be adversely affected through loss of revenues presently received. The traffic information generated by ALLTEL is used, or could be used, not only for billing purposes but for planning purposes as well. Information derived from these records reflects calling patterns, calling scopes and general information which is of value to both the LEC and the IXC and is of the type which, if released, would be of value benefit to present or potential competitors. Release of the information would adversely affect the interests of the carrier.

WHEREFORE for the reasons set forth herein ALLTEL would respectfully request the Commission to reverse the tentative ruling in Order No. 21452, and grant the request for confidential treatment of the portions of the traffic study submitted by ALLTEL in this docket.

Respectfully submitted,


Norman H. Horton, Jr.

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