

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for extended area) DOCKET NO. 870790-TL
service (EAS) throughout Gilchrist) ORDER NO. 23654
County) ISSUED: 10-23-90
_____)

ORDER GRANTING SPECIFIED CONFIDENTIAL TREATMENT

This docket was initiated upon a resolution filed with this Commission by the Gilchrist County Board of County Commissioners. This resolution requested that we consider requiring implementation of extended area service (EAS) throughout Gilchrist County. By Order No. 17943, issued August 6, 1987, we directed ALLTEL Florida, Inc. (ALLTEL) and Southern Bell Telephone and Telegraph Company (Southern Bell) to prepare and submit traffic studies on the routes affected by this resolution so that we could further evaluate the feasibility of the EAS request. The Branford and High Springs exchanges are served by ALLTEL, while Southern Bell provides service to the Newberry and Trenton exchanges. In addition to involving intercompany routes, this request also involves interLATA (local access transport area) routes. The Branford and High Springs exchanges are located in the Jacksonville LATA, while the Newberry and Trenton exchanges are located in the Gainesville LATA. Not one of the four exchanges is located exclusively in Gilchrist County.

ALLTEL and Southern Bell filed their respective traffic studies in response to Order No. 17943; however, upon review of the data submitted, we found it insufficient to make a determination regarding county-wide EAS. Accordingly, by Order No. 20607, issued January 17, 1989, we directed ALLTEL and Southern Bell to conduct further traffic studies as set forth therein.

Subsequently, both ALLTEL and Southern Bell filed the requested traffic studies, along with a request for specified confidential treatment of certain portions of the data. By Orders Nos. 21452 and 21453, issued June 27, 1989, we denied these requests.

On July 11, 1989, both ALLTEL and AT&T Communications of the Southern States, Inc. (ATT-C) filed Protests of Order No. 21452. On July 13, 1989, Southern Bell filed a Motion for Extension of Time in which to respond to Order No. 21453. On July 14, 1989, ATT-C filed its Protest of Order No. 21453, along with a Motion to Accept Protest Filed Out of Time. On July 26, 1989, Southern Bell filed its Protest of Order No. 21453.

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ALLTEL and Southern Bell have requested confidential treatment of only that data which contains quantification of traffic along interLATA routes. These are competitive routes and disclosure of the traffic numbers would aid present and future competitors to the detriment of those carriers presently providing service on these routes. The traffic data was obtained by the local exchange companies (LECs) through billing and collection services provided to the interexchange carriers (IXCs). Contracts between the LECs and the IXCs require the LECs to keep the information confidential, thus lending further support to the premise that this data is proprietary. Further, the IXC information from interLATA traffic data is a very important tool in the LECs' network planning which, if withheld, would force the LEC to incur considerable additional expense to compile this information on its own.

For all the above reasons, we find the traffic data for the interLATA routes in this docket submitted by ALLTEL on March 17, 1989, and March 30, 1989, and submitted by Southern Bell on May 2, 1989, to be proprietary confidential business information pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. Additionally, we note that our decision in this docket is consistent with our previous ruling in Docket No. 881547-TL, as reflected in Order No. 22319, issued December 19, 1989.

Based on the foregoing, it is

ORDERED by Chairman Michael McK. Wilson, as Prehearing Officer, that the requests for specified confidential treatment filed on March 17, 1989, and March 30, 1989, by ALLTEL Florida, Inc. and on May 2, 1989, by Southern Bell Telephone and Telegraph Company are hereby granted specified confidential treatment pursuant to Rule 25-22.006, Florida Administrative Code, and Section 364.183, Florida Statutes, for the reasons set forth above. It is further

ORDERED that the protests filed by ALLTEL Florida, Inc. and by AT&T Communications of the Southern States, Inc. on July 11, 1989, in response to Order No. 21452 are hereby granted to the extent outlined in the body of this Order. It is further

ORDERED that the Motion For Extension of Time filed on July 13, 1989, and the Protest of Order No. 21453 filed on July 26,

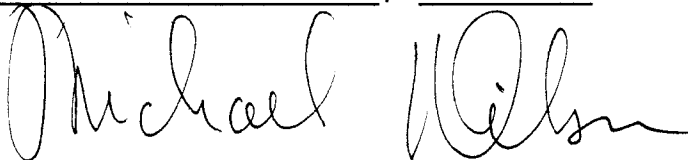
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1989, by Southern Bell Telephone and Telegraph Company are hereby granted to the extent outlined in the body of this Order. It is further

ORDERED that the Protest of Order No. 21453 and the Motion to Accept Protest Filed Out of Time filed on July 14, 1989, by AT&T Communications of the Southern States, Inc. are hereby granted to the extent outlined in the body of this Order. It is further

ORDERED that Orders Nos. 21452 and 21453, issued June 27, 1989, are hereby reversed to the extent indicated herein.

By ORDER of Chairman Michael McK. Wilson, as Prehearing Officer, this 23rd day of OCTOBER, 1990.



MICHAEL McK. WILSON, Chairman
as 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

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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 from the full Commission within 14 days pursuant to Rule 25-22.006(3), Florida Administrative Code, for rulings on confidentiality issued by a Prehearing Officer; 2) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, for any rulings on issues other than confidentiality if issued by a Prehearing Officer; 3) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 4) 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 sewer utility. A 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.

M E M O R A N D U M

October 19, 1990

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (GREEN)
RE: DOCKET NO. 870790-TL

AGT

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Attached is an ORDER GRANTING SPECIFIED CONFIDENTIAL TREATMENT in the above-referenced docket, which is ready to be issued.

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Attachment

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