

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of the Citizens of the)	DOCKET NO. 890190-TL
State of Florida to investigate Southern)	ORDER NO. 24703
Bell Telephone and Telegraph Company's)	ISSUED: 6/24/91
Cost Allocation Procedures)	
)	

ORDER GRANTING SPECIFIED CONFIDENTIAL TREATMENT
OF PORTIONS OF DOCUMENT NO. 4776-91

On May 14, 1991, Southern Bell Telephone and Telegraph Company (Southern Bell or the Company), filed a Request for Confidential Classification and Motion for Permanent Protective Order of certain information contained in the deposition transcript of Ernest L. Bush taken on April 25, 1991, by the Office of Public Counsel (Public Counsel). The Commission has given this transcript Document No. 4776-91.

During the deposition, Public Counsel asked questions based on documents for which Southern Bell had requested Confidential Treatment in a Motion for Temporary Protective Order. These documents were given Document No. 4183-91 by the Commission. Because the questions and answers were based on these confidential documents, the entire deposition was treated as confidential by the parties. After the deposition, Public Counsel and Southern Bell agreed to place the entire deposition transcript into the record rather than Public Counsel calling Mr. Bush as a witness in the hearing. Southern Bell then filed this Motion for Permanent Protective Order to protect information referred to in the deposition which the Company considers confidential.

Additionally, Southern Bell filed a Motion for Permanent Protective Order and Request for Confidential Classification of Document No. 4183-91, the documents used as exhibits during the deposition. This request was reviewed by the full Commission at the May 2, 1991, hearing, and portions of the documents were granted confidential treatment in Order No. 24634.

In support of both motions, Southern Bell asserts that the information relates to competitive interests and unregulated operations, the disclosure of which would impair the competitive business and unregulated operations of Southern Bell. In particular, this information reveals aspects of BellSouth's Customer Premises Equipment (CPE) reorganization which have not been publicly disclosed. Southern Bell argues that the information could be used to harm the Company's marketing of CPE to customers, thus harming its ratepayers. Therefore, Southern Bell asserts that

DOCUMENT NUMBER-DATE

06298 JUN 24 1991

DSC-RECORDS/REPORTING

ORDER NO. 24703
DOCKET NO. 890190-TL
PAGE 2

pursuant to Rule 25-22.006, Florida Administrative Code, such information is classified as confidential business information pursuant to Section 364.183, Florida Statutes, and is exempt from Section 119.07(1), Florida Statutes.

Southern Bell has requested that the following information in the deposition transcript be classified as confidential:


Page 31, lines 10,22
Page 32, lines 2,4,6,9,11
Page 33, lines 5,8,14
Page 43, lines 18,19,21,22,23
Page 44, lines 16,17

Upon review of Southern Bell's request, we have determined that the information referenced above consists of direct citations to portions of Document No. 4183-91 which have already been granted confidential classification in Order No. 24634. Therefore, for the reasons given in Order No. 24634, we have determined that the portions of Document No. 4776-91 referenced above are entitled to confidential treatment.

Therefore, based on the foregoing, it is

ORDERED by Chairman Thomas M. Beard, as Prehearing Officer, that the portions of Document No. 4776-91 identified in the body of this Order are granted confidentiality pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code.

By ORDER of Chairman Thomas M. Beard, as Prehearing Officer, this 24th day of JUNE, 1991.


THOMAS M. BEARD, Chairman
and Prehearing Officer

(S E A L)

ABG/JLH

ORDER NO. 24703
DOCKET NO. 890190-TL
PAGE 3

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 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.