

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition on behalf of Citizens)	DOCKET NO. 910163-TL
of the State of Florida to initiate)	ORDER NO. 24899
investigation into integrity of)	ISSUED: 8/7/91
Southern Bell Telephone and Telegraph)	
Company's repair service activities)	
and reports.)	

ORDER GRANTING SOUTHERN BELL TELEPHONE AND
TELEGRAPH COMPANY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF PORTIONS OF DOCUMENT NO. 5209-91

On April 17, 1991, the Florida Public Service Commission Staff (Staff) served its Second Request for Production of Documents (POD) on Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) in Docket No. 910163-TL. On May 22, 1991, Southern Bell filed its response and a Notice of Intent to Request Confidential Classification for the documents responsive to Item No. 3 of Staff's Second POD. Consistent with the rules of the Commission, Southern Bell then filed its Request for Confidential Classification and Motion for Permanent Protective Order, June 12, 1991, along with its detailed justification for confidential classification.

Florida law provides, in Section 119.07(1), Florida Statutes, that documents submitted to governmental agencies shall be 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. This law derives from the concept that government should operate in the "sunshine." It is our view that parties must meet a very high burden when requesting a protective order or specified confidential classification of documents that are submitted during a proceeding before this Commission. In the instant matter, the value that all parties would receive by examining and utilizing the information contained in these documents in a public forum must be weighed against the legitimate concerns of Southern Bell regarding disclosure of business information which it considers proprietary.

Pursuant to Section 368.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Southern Bell has the burden to show that the material submitted is qualified for specified confidential classification. Rule 25-22.006, Florida Administrative Code, provides that Southern Bell may fulfill its burden by demonstrating that the information falls into one of the statutory examples set out in Section 364.183, Florida Statutes, or by demonstrating that the information is proprietary confidential information the disclosure of which will cause Southern Bell or its ratepayers harm.

DOCUMENT NUMBER-DATE

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In support of its motion, Southern Bell asserts that the information in response to Item No. 3 of Staff's Second POD contains customer specific information, including the customers' names, addresses, telephone numbers, and occasionally other identifying information such as "can be reached" numbers. The information is contained in customer trouble history reports and has been identified for administrative purposes as Document No. 5209-91. Southern Bell states that such information falls within a specific statutorily created exemption to Section 119.07(1), Florida Statutes. Southern Bell also asserts that the Company treats this information as private and does not disclose it on a non-confidential basis.

We recognize this information to be statutorily exempt from Chapter 119. Beyond this fact, we find that this information, if made public, could violate the privacy rights of Southern Bell's customers. Therefore, upon review of the Company's request, we find that Southern Bell has satisfied its burden by demonstrating that the customer specific information contained in Document No. 5209-91 is qualified for confidential classification pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code. Accordingly, these portions of this document shall be exempt from the requirements of Section 119.07(1), Florida Statutes. Therefore, Southern Bell's request for confidential classification for the customer specific information contained in Document No. 5209-91 is granted.

Based on the foregoing, it is, therefore

ORDERED by Chairman Thomas M. Beard, as Prehearing Officer, that Southern Bell Telephone and Telegraph Company's Request for Confidential Classification of certain portions of Document No. 5209-91 is hereby granted.

By ORDER of Chairman Thomas M. Beard, as Prehearing Officer, this 7th day of AUGUST, 1991.



THOMAS M. BEARD, Chairman
and Prehearing Officer

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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 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.