

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidential) )  
classification of information ) DOCKET NO. 920384-TI  
regarding regulated services to ) )  
uncertificated resellers by ) ORDER NO. PSC-92-0533-PCO-TI  
AT&T COMMUNICATIONS OF THE ) )  
SOUTHERN STATES, INC. ) ISSUED: 06/19/92  
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ORDER GRANTING CONFIDENTIALITY REQUESTED  
BY AT&T OF THE SOUTHERN STATES, INC.

BY THE COMMISSION:

On May 1, 1992, AT&T Communications of the Southern States, Inc. (AT&T) filed a Request for Confidentiality pertaining to AT&T's submittal of a list, of the names and addresses of AT&T customers who are believed to be reselling or rebilling interexchange intrastate telecommunications service in Florida, with the Florida Public Service Commission ("Commission"). The list is being provided by AT&T in response to a request from the Commission's Division of Communications contained in a memorandum dated January 14, 1992. AT&T claims that the list contains proprietary confidential business information as defined in Section 364.183, Florida Statutes.

Florida law provides, in Section 119.07, Florida Statutes, the process by which records kept by government agencies are made public. Paragraph 119.07(3)(a) allows records which are presently provided by law to be confidential to be exempt from the public records law. In the instant matter, Section 364.183, Florida Statutes provides for confidential treatment of records.

Subsection 364.183(1), Florida Statutes, provides that "proprietary confidential business information" shall be kept confidential and shall be exempt from Section 119.07. Subsection 364.183(3) includes a definition which reads:

The term "proprietary confidential business information" means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the

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ratepayers or the person's or company's business operations, and has not been disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public.

Subsection 364.183(3) also provides a list of categories of things which would be included in the term "proprietary confidential business information". Included among that list are trade secrets and information relating to competitive interests.

In its Request for Confidentiality, AT&T claims that the information contained in the customer list meets the general definition of proprietary confidential business information contained in Subsection 364.183(1), Florida Statutes. AT&T states that it has consistently treated the names and addresses of its customers as private, proprietary, and confidential in order to protect both the customers' privacy and AT&T's business interests. As to the harm issue, AT&T states, "... disclosure of the customer list here would cause harm to AT&T's business operations because it would permit AT&T's competitors, with little or no effort and expense, to target their sales activities towards those specific customers." Further, the information has not or would not be disclosed unless disclosed pursuant to a statutory provision or private agreement protecting the information from public disclosure, according to AT&T.

We find that the appropriately highlighted information contained in the customer list which AT&T claims is confidential falls within the definition of "proprietary confidential business information" provided in Subsection 364.183(3), Florida Statutes.

We also find that the duration of this order should be governed by Commission Rule 25-22.006, F.A.C., and, therefore shall be for a period set by the Commission not exceeding eighteen (18) months. All information protected through this order shall be returned to AT&T when it is no longer necessary for the Commission to conduct its business in this proceeding. If the information is not returned to AT&T prior to the date specified in this order the Commission will consider extending the period up to eighteen (18) months, or for a longer period if the Commission finds, for good cause, that such longer period is necessary to protect the business operations of AT&T.


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It is, therefore,

ORDERED by the Florida Public Service Commission that the proprietary confidential business information in Docket No. 920384-TI which has been submitted to the Commission shall be kept confidential and shall be exempt from Section 119.07, Florida Statutes, in accordance with Section 364.183, Florida Statutes. It is further,

ORDERED that the proprietary confidential business information shall be afforded confidential treatment until November 1, 1993.

By ORDER of Commissioner Luis J. Lauredo, as Prehearing Officer, this 17<sup>th</sup> day of June, 1992.

  
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LUIS J. LAUREDO, Prehearing  
Officer and Commissioner

WEW

(S E A L)

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 hearings 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.

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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.

WEW  
Attachment