

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Resolution by City) DOCKET NO. 920642-TL
Council of Port Richey for) ORDER NO. PSC-92-1448-CFO-TL
extended area service between) ISSUED: 12/15/92
the Hudson exchange and Tarpon)
Springs, Clearwater St. Peters-)
burg, and Tampa exchanges; also)
between the New Port Richey and)
Clearwater, St. Petersburg, and)
Tampa exchanges.)
_____)

ORDER GRANTING REQUEST FOR SPECIFIED CONFIDENTIAL
CLASSIFICATION OF DOCUMENT NO. 12201-92

By Resolution No. 92-5, filed by the City Council of the City of Port Richey, and Resolution No. 92-233, filed by the Board of County Commissioners of Pasco County, we have been requested to consider requiring implementation of extended area service (EAS) between all exchanges in Pasco County and the St. Petersburg and Tampa exchanges.

By Order No. PSC-92-0822-PCO-TL, issued August 17, 1992, this Commission directed GTE Florida Incorporated, United Telephone Company of Florida, and BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell) to perform certain traffic studies so that we could further evaluate Resolution No. 92-5 and Resolution No. 92-233. On October 16, 1992, Southern Bell filed the traffic study, along with a Request for Specified Confidential Classification (Request) of certain portions of the traffic study data, as identified in Appendix "A" to this Order. The Request has not been opposed by any party to this proceeding.

The information for which Southern Bell has requested specified confidential classification is proprietary business information obtained by Southern Bell from AT&T Communications of the Southern States, Inc. (AT&T), pursuant to a nondisclosure agreement. The information involves a "blueprint" of usage over the various toll routes at issue in this case. According to Southern Bell, the information is the sort of information normally made available to Southern Bell on a confidential basis in order to allow Southern Bell to plan its network deployment based upon actual and perceived traffic demand over the toll routes. If the information is publicly disclosed, Southern Bell argues that AT&T will be harmed because the information will allow AT&T's competitors to target the most lucrative toll routes. Southern Bell also argues that, if the information is publicly disclosed, it will be harmed because AT&T may withhold such information in the future based upon the threat of public disclosure. Finally,

DOCUMENT NUMBER-DATE

14471 DEC 15 1992

ORDER NO. PSC-92-1448-CFO-TL
DOCKET NO. 920642-TL
PAGE 2

Southern Bell argues that the information is intended to be treated and is treated as confidential by Southern Bell, and that it has not been disclosed to any third party except to the extent allowed under the confidentiality agreement between itself and AT&T.

Upon review, I find that the data identified in Appendix "A" to this Order is proprietary confidential business information pursuant to Section 364.183, Florida Statutes. As such, it shall be kept confidential and shall be exempt from Section 119.07(1), Florida Statutes.


Based on the foregoing, it is

ORDERED by Chairman Thomas M. Beard, as Prehearing Officer, that the Request for Specified Confidential Classification of the information identified in Appendix "A" to this Order, filed by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company on October 16, 1992, is hereby granted pursuant to Rule 25-22.006, Florida Administrative Code, and Section 364.183, Florida Statutes, for the reasons set forth herein. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the confidentiality granted to Document No. 12201-92 shall expire eighteen (18) months from the date of issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 364.183. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Chairman Thomas M. Beard, as Prehearing Officer, this 15th day of December, 1992.


THOMAS M. BEARD, Chairman
and Prehearing Officer

(S E A L)

ABG/RJP

ORDER NO. PSC-92-1448-CFO-TL
DOCKET NO. 920642-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 wastewater 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.

ORDER NO. PSC-92-1448-CFO-TL
DOCKET NO. 920642-TL
PAGE 4

APPENDIX "A"

INDEX OF CONFIDENTIAL INFORMATION CONTAINED
IN COMMISSION DOCUMENT NO. 12201-92

<u>Attachment</u>	<u>Page</u>	<u>Line No.</u>
A	1	1 - 6
A-1	1	1 - 6
A-2	1	1 - 6
B	1 - 6	1 - 28
D	1	1 - 6
D	2 - 25	1 - 25
E	1 - 2	1 - 6
F	1	1 - 6