

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for confidential) DOCKET NO. 921197-TL
classification of construction/)
contract audit material provided) ORDER NO. PSC-93-0126-CFO-TL
by BELLSOUTH TELECOMMUNICATIONS,)
INC. d/b/a SOUTHERN BELL TELEPHONE) ISSUED: 01/22/93
AND TELEGRAPH COMPANY)
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ORDER GRANTING CONFIDENTIALITY

On December 4, 1992, Bell South Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company ("Bell") requested that we treat as confidential certain documents provided staff in response to audit requests in the above-styled construction/contract audit.

This request references two categories of documents claimed by Bell to be, respectively, internal audit information and bid or other contract data, the disclosure of which would impair Bell's efforts to contract for goods or services on favorable terms. This request supplements an earlier request filed November 18, 1992 pertaining to construction at a Bell facility at Sawgrass. The current request concerns the Brentwood ESS.

Florida law provides, in section 119.07, Florida Statutes, the process by which records kept by government agencies are made public. Subparagraph 119.07(3)(a) provides exceptions for public records which are presently provided by law to be confidential. In the instant matter the exceptions are provided in Section 364.183, Florida Statutes, as summarized in Attachment 1.

Subsection 364.183(1), Florida Statutes, provides that "proprietary confidential business information" shall be kept confidential and shall be exempt from subsection 119.07(1). Subsection 364.183(3) provides 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 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 of administrative body, or private agreement that provides that the information will not be released to the public.

DOCUMENT NUMBER-DATE

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The two categories of documents referenced above are two of the three categories discussed in the prior related Order; as there stated, internal audit materials are treated as confidential by this Commission pursuant to section 364.183(3)(b) and bid or other contractual data are accorded confidentiality pursuant to section 364.183(3)(d).


Staff has examined the documents and found that those claimed to be internal audit materials and those claimed to be bid or other contractual data should be treated as confidential pursuant to the statutory provisions cited previously.

In view of the above, it is

ORDERED that the materials listed on Attachment 1 submitted by Southern Bell Telephone and Telegraph Company be treated as confidential. It is further

ORDERED that the proprietary business information shall be afforded confidential treatment until July 1, 1994.

BY ORDER of Commission Luis J. Lauredo, as Prehearing Officer,
this 22nd day of January, 1993.



Luis J. Lauredo
Commissioner 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 or 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.