

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

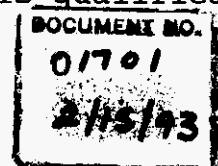
In re: Comprehensive Review of the Revenue Requirements and Rate Stabilization Plan of SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY ) DOCKET NO. 920260-TL  
In re: Show cause proceedings against SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY for misbilling customers. ) DOCKET NO. 900960-TL  
In re: Petition on behalf of Citizens of the State of Florida to initiate investigation into integrity of SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY's repair service activities and reports. ) DOCKET NO. 910163-TL  
In re: Investigation into SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY's compliance with Rule 25-4.110(2), F.A.C., Rebates. ) DOCKET NO. 910727-TL  
ORDER NO. PSC-93-0241-CFO-TL  
ISSUED: 02/15/93

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO. 12085-92 (11105-92)

On October 14, 1992, Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed a Request for Confidential Classification of certain material submitted in response to Staff's Fourth Request for Production of Documents, Request Number 99. The Commission assigned Document No. 12085-92 to the material at issue which was attached to the Company's Request for Confidential Classification. The material was assigned Document No. 11105-92 when it was filed with a Notice of Intent to Seek Confidential Treatment. This Order addresses the confidentiality of the material under both designations.

Florida law provides, in Section 119.01, Florida Statutes, that documents submitted to governmental agencies shall be public records. This law derives from the concept that government should operate in the "sunshine." 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.

Accordingly, pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, it is the Company's burden to show that the material submitted is qualified



for specified confidential classification. Rule 25-22.006 provides that the Company may fulfill its burden by demonstrating that the documents fall into one of the statutory examples set forth in Section 364.183 or by demonstrating that the information is proprietary confidential information, the disclosure of which will cause the Company or its ratepayers harm.

To this end, Southern Bell asserts that the material at issue encompasses Network Executive Approval Letters and other supporting justification for central office/toll center additions previously identified by the Company in MFR Schedule B-11. Southern Bell contends that the material contains proprietary confidential business information in the form of market strategy for specific market segments and customers, vendor-specific information including prices, customer-specific information, economic analysis, and forecasted revenue information for competitive services. Southern Bell alleges that disclosure of the material would cause it competitive harm, and that the material contains trade secrets and customer specific information. For these reasons Southern Bell concludes that the material is entitled to confidential treatment pursuant to Chapters 364 and 119, Florida Statutes.

Upon review, it is apparent that the material at issue involves economic studies regarding marketing, vendor specific cost and forecasted revenue information from competitive services. Moreover, the information is related to Southern Bell's competitive interests and it is evident that disclosure would impair the Company's competitive business. Thus, pursuant to Section 364.183(3)(e), it is exempt from the disclosure requirements of Section 119.07(1), Florida Statutes. Therefore, the Company's October 14, 1992, Request for Confidential Classification of Document No. 12085-92 (cross reference Document No. 11105-92) shall be granted. As this resolves the matter, there is no need to reach the Company's other arguments for confidential classification.

Therefore, based on the foregoing, it is


ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that Southern Bell Telephone and Telegraph Company's October 14, 1992, Request for Confidential Classification of Document No. 12085-92 (cross reference Document No. 11105-92) is hereby Granted. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, the confidentiality granted to the documents specified herein 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

ORDER NO. PSC-93-0241-CFO-TL  
DOCKETS NOS. 920260-TL, 900960-TL, 910163-TL, 910727-TL  
PAGE 3

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 Commissioner Susan F. Clark, as Prehearing Officer, this 15th day of February, 1993.

  
SUSAN F. CLARK, Commissioner  
and PREHEARING OFFICER

( S E A L )

CWM

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,

ORDER NO. PSC-93-0241-CFO-TL  
DOCKETS NOS. 920260-TL, 900960-TL, 910163-TL, 910727-TL  
PAGE 4

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.