

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Comprehensive review of ) DOCKET NO. 920260-TL  
the revenue requirements and )  
rate stabilization plan of )  
SOUTHERN BELL TELEPHONE AND )  
TELEGRAPH COMPANY. )

In Re: Show cause proceedings ) DOCKET NO. 900960-TL  
against SOUTHERN BELL TELEPHONE )  
AND TELEGRAPH COMPANY for )  
misbilling customers. )

In Re: Petition on behalf of ) DOCKET NO. 910163-TL  
Citizens of the State of Florida )  
to initiate investigation into )  
integrity of SOUTHERN BELL )  
TELEPHONE AND TELEGRAPH )  
COMPANY's repair service )  
activities and reports. )

In Re: Investigation into ) DOCKET NO. 910727-TL  
SOUTHERN BELL TELEPHONE AND ) ORDER NO. PSC-93-0414-CFO-TL  
TELEGRAPH COMPANY's compliance ) ISSUED: 03/17/93  
with Rule 25-4.110(2), F.A.C., )  
Rebates. )

ORDER DENYING REQUEST FOR CONFIDENTIAL  
CLASSIFICATION OF DOCUMENT NO. 15023-92

On December 30, 1992, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed a Request for Confidential Classification of specified information provided in response to Staff's Interrogatory No. 427(a). The Response has been assigned Document No. 15023-92 by the Commission.

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

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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 reveals the Company's intraLATA toll revenues by mileage band and time of day. The Company argues that this translates to usage patterns and demand levels. The Company contends that its competitors in the intraLATA toll market could use this information to selectively target key customer bases thereby impairing Southern Bell's ability to compete in the intraLATA toll market. Southern Bell asserts that this valuable information is the result of the Company's research and represents a trade secret. The Company argues that its competitors should not be allowed to benefit from research which was performed at Southern Bell's expense. For the foregoing reasons, Southern Bell concludes that the material is proprietary confidential business information pursuant to Section 364.183, Florida Statutes.

Upon review, the material at issue is found to contain aggregate data regarding MTS, Saver Service, WATS and 800 Service for 1990, 1991 and 1992. The aggregate data is grouped by mileage band and time of day. No customer or route specific information is included. Because the data is aggregated, disclosure will provide Southern Bell's competitors with no meaningful information with which to target strategies or prices to specific customer bases. Moreover, Southern Bell's MFR Schedule E-1a, filed in the instant Rate Case Docket, reveals analogous data for 1991. Indeed, the Company has previously disclosed this type of price-out data in various forms in numerous proceedings. As the Company has failed to distinguish the material at issue from information which it has routinely disclosed, the material is found not to qualify as proprietary confidential business information under any theory pursuant to Section 364.183, Florida Statutes. Therefore, the Company's Request for Confidential Classification of Document No. 15023-92 is denied.

Based on the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company's December 30, 1992, Request for

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Confidential Classification of Document No. 15023-92 is denied. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, any 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

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 17th day of March, 1993.

  
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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.

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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 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.