

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-93-0415-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
TREATMENT OF DOCUMENT NO. 14306-92

On December 9, 1992, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed a Request for Confidential Treatment of certain information provided in response to Staff Interrogatory No. 371. The Response has been assigned Document No. 14306-92 by the Commission. The Company asserts that the material contains statistical data regarding its intraLATA toll messages by band, broken down by business, residence, public and "other" categories. The Company contends that disclosure of the material would reveal usage patterns for certain classes of its customers and shows the representative mileage for intraLATA calls made by customers. Southern Bell asserts that, armed with this information, its competitors in the intraLATA toll market could selectively target marketing strategies to appeal to key customer bases, thereby depriving Southern Bell of similar business opportunities. Thus, the Company contends that the material is proprietary confidential business information pursuant to Section 364.183(3)(e), Florida Statutes.

DOCUMENT NUMBER-DATE

02939 MAR 17 8

FPSC-RECORDS/REPORTING

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.

Upon review, the material is found to contain aggregate toll usage data by mileage band, and customer classification. The aggregate information is found to be of little or no use in targeting any specific market niche. Consequently, disclosure would not impair the competitive business of the Company. Accordingly, the Company's Request for Confidential Treatment of Document No. 14306-92 is denied.

Based upon the foregoing it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that the Company's December 9, 1992 Request for Confidential Treatment of Document 14306-92 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.

ORDER NO. PSC-93-0415-CFO-TL
DOCKETS NOS. 920260-TL, 900960-TL, 910163-TL, 910727-TL
PAGE 3

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 17th day of MARCH, 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, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such

ORDER NO. PSC-93-0415-CFO-TL
DOCKETS NOS. 920260-TL, 900960-TL, 910163-TL, 910727-TL
PAGE 4

review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.