

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-93-0800-CFO-TL
TELEGRAPH COMPANY's compliance) ISSUED: May 25, 1993
with Rule 25-4.110(2), F.A.C.,)
Rebates.)

ORDER DENYING REQUEST FOR CONFIDENTIAL
CLASSIFICATION OF DOCUMENT NO. 12204-92

On October 16, 1992, BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or Company) filed a Request for Confidential Classification of specified information provided in its MFR revisions filed in response to Staffs request that certain schedules be revised. The revised schedules have been assigned Document No. 12204-92 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, the Company asserts that the material includes the unit cost information regarding Southern Bell's ESSX service. The Company further asserts that disclosure of such information would also effectively disclose highly proprietary costs for ESSX service which competes directly with PBX and Key systems. The Company cites Order No. 24256 as authority for its assertion that the information in question is confidential. Order No. 24256 denied confidential treatment for ESSX loop costs, Touchtone and DID costs, but granted confidential treatment to the remaining ESSX costs elements. In this case, however, the company has requested confidential treatment for the cost of various offerings included in Section 13 of its General Subscriber Tariff. These offerings may be offered in conjunction with ESSX services or in conjunction with Customer Premises Equipment.

Upon review the information is not found to be unit cost information regarding ESSX service. Furthermore, the material, while related to the material protected in Order No. 24256, is beyond the scope of the material protected in that Order. Finally, Southern Bell offers no specific justification as to why these non-ESSX services should be considered confidential in the context of ESSX service. Accordingly, the material should not be classified as proprietary confidential business information pursuant to Section 364.183(3)(a),(e), Florida Statutes. The Company's Request for Confidential Classification of Document No. 12204-92 is therefore denied.

Based upon the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that Southern Bell Telephone and Telegraph Company's Request for Confidential Classification of certain information contained in its revised Minimum Filing Requirements, dated October 16, 1992 is hereby denied.

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By ORDER of Commissioner Susan F. Clark, as Prehearing
Officer, this 25th day of May, 1993.


SUSAN F. CLARK, 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 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.