

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-93-0822-CFO-TL
TELEGRAPH COMPANY's compliance) ISSUED: June 1, 1993
with Rule 25-4.110(2), F.A.C.,)
Rebates.)
_____)

ORDER DENYING REQUEST FOR CONFIDENTIAL
CLASSIFICATION OF DOCUMENT NO. 1408

On November 16, 1992, Attorney General's Office filed testimony by Michael R. Maloy. On February 4, 1993, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company, filed a Request for Confidential Classification and a Motion for a Permanent Protective Order covering specified information provided in this testimony.

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

RECEIVED DATE
05863 JUN-18
PSC-93-0822-CFO-TL

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 in Mr. Maloy's testimony includes confidential information exempt from 119.01. The Company also argues that the material is exempt pursuant to 119.01(3)(d) because it was derived from an ongoing criminal investigation. The Attorney General has responded to this latter assertion arguing that 119.01(3)(d) is not applicable in the instant case.

Neither argument made by the company is relevant here. The material in question became a public record when it was filed here and served on the various parties without a notice of intent to request confidential classification. Having already been made public information, nothing can be done to make the material confidential. Therefore, the material cannot be classified as proprietary confidential business information pursuant to Section 364.183(3)(a),(e), Florida Statutes. Accordingly, the Company's Request for Confidential Classification of this testimony is denied.

Based upon 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 Request for Confidential Classification of the Material Contained in the Testimony of Michael R. Maloy is hereby denied.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 1st day of June, 1993.



SUSAN F. CLARK, Commissioner and
Prehearing Officer

ORDER NO. PSC-93-0822-CFO-TL
DOCKETS NOS. 920260-TL, 900960-TL, 910163-TL, 910727-TL
PAGE 3

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.