

Pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the burden of proving that the materials qualify for specified confidential classification falls upon Bell. According to Rule 25-22.006, Florida Administrative Code, Bell must meet this burden by demonstrating that the materials fall into one of the statutory examples set forth in Section 364.183, Florida Statutes, or by demonstrating that the information is proprietary confidential business information, the disclosure of which will cause Bell or its ratepayers harm.

To that end, Bell submitted an index of the information for which it claims confidential classification, along with an explanatory reference guide consisting of seven separate justifications. Bell's request is considered, by exhibit and page number, below.

LATE FILED EXHIBIT NO.2

Pages 402-419: According to Bell, the information contained on these pages includes out-of-period revenue data regarding independent company settlements. Bell argues that the material should be held confidential because other local exchange carriers (LECs) would be reluctant to provide such information in the future if it was disclosed. Bell's argument in this regard is unconvincing. The revenues depicted on these pages are out-of-period regulated revenues. This Commission receives far more detailed information in cost studies filed by LECs. Identifying the amount by LEC will not harm those LECs or Bell. Its request for confidential classification of these pages is, therefore, denied.

Page 583: This item consists of a disclosure from an internal audit performed by Bell. Accordingly, Bell argues that it is confidential pursuant to Section 364.183(3)(b), Florida Statutes. A review of this item reveals that it is, indeed, an audit disclosure. Bell's request for confidential classification of the item is, therefore, granted.

Pages 621-626: This item is illustrative of a pro forma adjustment made due to Percent Interstate Usage (PIU) audits and the identification of out-of-period revenues. The workpapers supporting this adjustment identify PIU adjustments by inter-exchange carrier (IXC). Bell claims that this item should be confidential because it reflects individual IXC usage for the

competitive toll market. Upon review, however, the information provided appears to only depict the amounts needed to reconcile reported PIUs to the audited PIUs. Individual usage of access service cannot be determined from the presented data. Bell's request for confidential classification of this information is, accordingly, denied.

Pages 865, 872, 875 & 881-885: These pages depict costs pertaining to an early retirement program, some of which concern BellSouth Communications, Inc. (BCI). Bell argues that this information is confidential because disclosure would impair BCI's competitive and/or unregulated activities. It should be noted that much of this information has already been submitted in response to Staff's First Requests For Production, No. 2, and that Bell did not request that it be held as confidential at that time. As such, it is already public record. In addition, while not differentiating between regulated and unregulated entities, Section 364.183(3)(f), Florida Statutes, specifically excludes information regarding employee compensation from the list of materials entitled to confidential classification. Moreover, Bell has not demonstrated that the disclosure of such information would cause harm to it, its ratepayers, or BCI. Accordingly, its request for confidential classification of these materials is denied.

Page 890: Page 890 also concerns amounts allocated to various BellSouth Corporation subsidiaries due to early retirement. Bell argues that the disclosure of this information would impair these subsidiaries' competitive and unregulated activities. As noted above, employee compensation is one type of information specifically excluded from confidential classification. Further, Bell has not demonstrated how disclosure of this information could harm either Bell, its ratepayers, or its affiliates. Its request for confidential classification of these materials is, therefore, denied.

Pages 900-902: These pages also deal with early retirement cost information related to BCI, the affiliate of Bell which markets customer premises equipment. Bell argues that this information relates to competitive interests and/or unregulated operations, the disclosure of which would impair the competitive business and/or unregulated operations of Bell. The same information was provided on an annual basis in response to the Office of Public Counsel's First Set of Interrogatories, No. 2, without any request for confidentiality. As such, it is already in the public domain. In addition, as noted above, information

regarding employee compensation is specifically excluded from those materials entitled to confidential classification. Further, Bell has not carried its burden of demonstrating how the disclosure of such information would harm it, its ratepayers, or BCI. Bell's request for confidential classification of these pages is, accordingly, denied.

Page 913: Bell argues that this page reflects results of an internal audit and that it is, therefore, confidential pursuant to Section 364.183(3)(b), Florida Statutes. Upon review, the information does appear to depict certain results of an internal audit. Bell's request for confidential classification of Page 913 is, accordingly, granted.

LATE FILED EXHIBIT NO. 3

Page 957: The information contained on Page 957 reflects BellSouth Advertising and Publishing Company (BAPCO) information. Bell argues that this information should be confidential since it relates to a competitive business activity. The information depicted on lines 10-11 has, however, already been disclosed on a nonconfidential basis, although a slightly different amount was reported on line 10, in response to Staff's First Set of Interrogatories, No. 40. Bell's request for confidential classification of Page 957, lines 10-11 is, therefore, denied. The information depicted on lines 12-14, which depicts BAPCO's net income and rate of return, has not previously been disclosed. Nevertheless, it is not clear from Bell's request precisely how disclosure of this bottom-line information could impair BAPCO's unregulated business activities, and as such, Bell has not carried its burden. Its request for confidential classification of Page 957, lines 12-14 is, therefore, denied.

LATE FILED EXHIBIT NO. 4

Page 958: As with the above, these materials depict BAPCO information, and Bell argues that it would impair this nonregulated business if disclosed. Having determined that the information is what it is purported to be, Bell's request for confidential classification of lines 10 and 12 of Page 958 is granted. As for its request for confidential classification of Page 958, line 11, however, the information contained therein has already been disclosed in response to Staff's First Set of Interrogatories, No.

40 and, as such, is already a public record. Bell's request for confidential classification of Page 958, line 11 is, therefore, denied.

LATE FILED EXHIBIT NO. 6

Lines 11-29: These lines depict the PIU of other LECs operating in Florida. Bell contends that these other LECs would be reluctant to provide this information to Bell in the future if they knew that such information would be made available to their competitors. Upon review, however, the information provided appears to only depict the amounts needed to reconcile reported PIUs to the audited PIUs. Individual usage of access service cannot be determined from the presented data. Bell's request for confidential classification of this information is, accordingly, denied.

It is, therefore,

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, the request for confidential classification of Document No. 1894-93, filed by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company is hereby granted, in part, and denied, in part, as set forth in the body of this Order. 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-93-0823-CFO-TL
DOCKETS NOS. 920260-TL, 910163-TL, 910727-TL, 900960-TL
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By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 1st day of June, 1993.



SUSAN F. CLARK, Commissioner and
Prehearing Officer

(S E A L)

RJP

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.