

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by Residents of ) DOCKET NO. 930172-TL  
Boca Grande Requesting Extended ) ORDER NO. PSC-94-0194-CFO-TL  
Area Service (EAS) Between Boca ) ISSUED: February 15, 1994  
Grande and North Ft. Myers, )  
North Port, Venice, Englewood, )  
Pine Island, North Cape Coral, )  
and Cape Coral )

---

ORDER GRANTING REQUEST FOR CONFIDENTIAL  
CLASSIFICATION OF PORTIONS OF DOCUMENT NO. 10694-93

By Order No. PSC-93-0416-PCO-TL, issued March 17, 1993, this Commission required United Telephone Company of Florida (United) and GTE Florida Incorporated to perform traffic studies on the above-captioned routes. On June 14, 1993, United filed the required traffic studies, which were designated as Document No. 6413-93, along with a request for confidential classification of certain information contained therein. United's request was granted by the Prehearing Officer by Order No. PSC-93-1074-CFO-TL, issued July 26, 1993.

On September 24, 1993, the Staff of the Commission requested that United prepare new studies, using more current information. On October 4, 1993, United filed the updated traffic studies, which were designated as Document No. 10694-93, along with a request for confidential classification of certain of the information contained therein.

Under Section 119.01, Florida Statutes, all documents submitted to this Commission are public records. The only exceptions to this law are documents which are exempt pursuant to specific statutory terms or provisions. Moreover, under Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the burden of demonstrating that materials qualify for confidential classification falls upon the person requesting such treatment.

To that end, United argues that the information for which it has requested confidential classification "consists of market information including volumes of traffic on specific interLATA route broken out in several different categories including volumes of messages by messages, minutes, revenues, time of day, and residence and business. In addition, averages of messages per access and by minutes per message, revenue per message, revenue per access line and revenue per calling customers...." United also argues that the information is either completely or substantially

DOCUMENT NUMBER-DATE

01479 FEB 15 1994

FLORIDA PUBLIC SERVICE COMMISSION

ORDER NO. PSC-94-0194-CFO-TL  
DOCKET NO. 930172-TL  
PAGE 2

proprietary to AT&T and that disclosure would give "competitors of AT&T an undue advantage in pinpointing those routes or segments of routes which are most sensitive to competition."

Upon consideration, United's arguments have merit. The documents are as described by United, and it appears that disclosure of the information would subject AT&T to undue competitive harm. Accordingly, pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, United's request for confidential classification of portions of Document No. 10694-93 is granted.

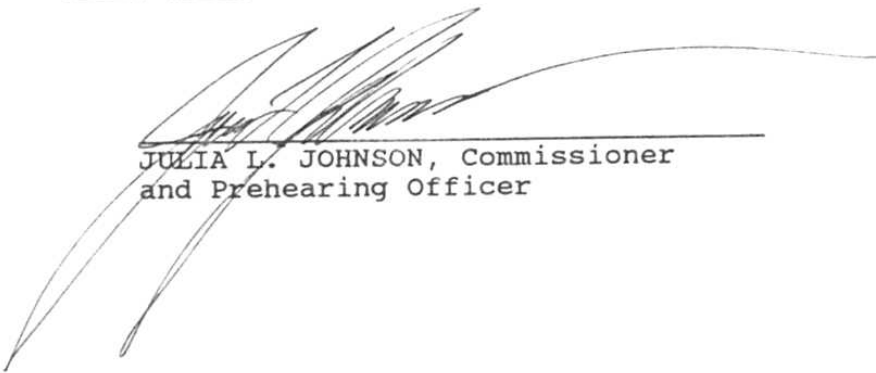
It is, therefore,

ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that the request by United Telephone Company of Florida for confidential classification of certain information contained in Document No. 10694-93 is granted. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, absent a renewed request for confidential classification, the confidentiality granted hereby shall expire eighteen (18) months from the date of this Order. It is further

ORDERED that this Order shall be the only notification by the Commission regarding expiration of the confidential classification.

By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 15th day of February 1994.



JULIA L. JOHNSON, 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.