

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by Subscribers) DOCKET NO. 930979-TL
of Live Oak for Extended Area) ORDER NO. PSC-94-0293-CFO-TL
Service (EAS) to Lake City) ISSUED: March 14, 1994
_____)

ORDER GRANTING REQUEST FOR CONFIDENTIAL
CLASSIFICATION OF PORTIONS OF DOCUMENT NO. 00962-94

By Order No. PSC-93-1590-PCO-TL, issued September 14, 1993, the Commission required BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) to perform and file traffic studies on the routes in question in this docket. On January 28, 1994, Southern Bell filed the required information, which has been designated as Document No. 00962-94, along with a request for confidential classification for 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, Southern Bell argues that the information for which it has requested confidential classification consists, essentially, of a "blueprint of the toll usage over these various routes." Southern Bell further argues that the data "indicates which routes at issue in this case contain the most concentrated traffic", and that, "[w]ith the advent of intraLATA toll competition effective January 1, 1992, this information could now subject Southern Bell to competitive harm if it were made public." In other words, competitors could use the information to target the most traffic intensive, and therefore lucrative, routes.

Upon consideration, Southern Bell's arguments have merit. The documents are as described by Southern Bell, and it appears that disclosure of the information would subject Southern Bell to undue competitive harm. Accordingly, pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Southern Bell's request for confidential classification of portions of Document No. 00962-94 is granted.

It is, therefore,

DOCUMENT FILED-DATE
02438 MAR 14 1994
FPOD-RECORDS/REPORTING

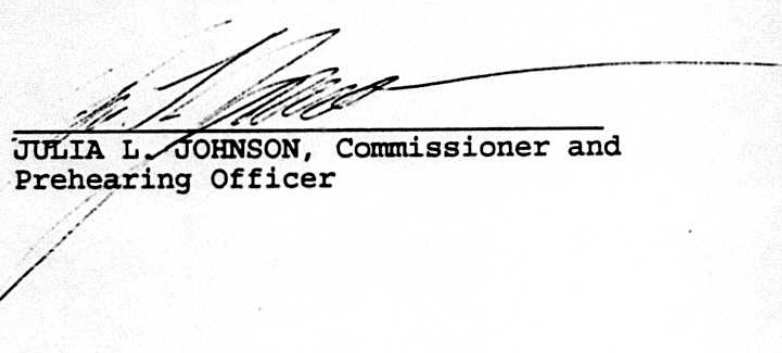
ORDER NO. PSC-94-0293-CFO-TL
DOCKET NO. 930979-TL
PAGE 2

ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that the request by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company for confidential classification of certain information contained in Document No. 00962-94 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 14th day of March, 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.