

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation into) DOCKET NO. 930330-TP
IntraLATA Presubscription.) ORDER NO. PSC-95-0393-CFO-TP
_____) ISSUED: March 22, 1995

ORDER GRANTING CONFIDENTIAL CLASSIFICATION
OF DOCUMENTS NOS. 7498-94, 7524-94 and 10528-94

On July 22, 1994, GTE Florida Incorporated (GTEFL or the Company) filed a Request for Confidential Classification and Motion for Protective Order of specified information contained in Donald Perry's Direct Testimony (Document No. 7498-94). On July 26, 1994, GTEFL filed a Request for Confidential Classification and Motion for Protective Order of specified information contained in the Rebuttal Testimony of Florida Interexchange Carriers Association (FIXCA) witness Joseph Gillan (Document No. 7524-94). On October 14, 1994, the Company filed a Request for Confidential Classification and Motion for Protective Order of specified information contained in portions of its Post-Hearing Statement (Document No. 10528-94). Finally, on March 2, 1995, GTEFL filed a Revised Request for Confidential Classification and Motion for Protective Order of its Post-Hearing Statement. No response in opposition to the requests has been filed.

The information, for which GTEFL requests confidential classification, consists of the results of a study performed on GTEFL's behalf that shows the effects of intraLATA Presubscription on the Company's market and revenue shares. GTEFL contends that the results from this study meet the statutory criteria (Section 364.183 (3)(e), Florida Statutes), and should, therefore, be afforded confidential classification.

Specifically, GTEFL requests confidential classification of the following:

Direct Testimony - Donald Perry

<u>Page</u>	<u>Line(s)</u>	<u>Description</u>
6	3-4	two numbers (percentage range)
6	16	percentage
7	7	first number (percentage), second number
7	8	number
8	1	percentage
8	21	three figures (percentage change)
9	8	percentage
12	14	percentage
12	23	percentage

DOCUMENT NUMBER-DATE

03051 MAR 22 95

FPSC-RECORDS/REPORTING

Direct Testimony - Donald Perry (cont'd)

<u>Table</u>	<u>Line(s)</u>	<u>Column</u>
1	1-4	A and B
2	1-4	A and B
3	1-4	A and B
4	1-2	A,B,C,D
5	1	A,B,C,D

Rebuttal Testimony - FIXCA Witness Joseph Gillan

<u>Page</u>	<u>Line</u>	<u>Description</u>
6	13	two figures (percentages)

Post-hearing Statement

<u>Page</u>	<u>Line(s)</u>	<u>Description</u>
15	24	percentage
16	7	percentage
16	12	percentage

GTEFL argues that the intraLATA toll market is a highly competitive arena. GTEFL believes that because of the competitive nature of intraLATA toll, the evaluation of the status of competition and how that competition should be responded to is of extreme interest to competitors in the market. The information for which the Company requests confidential status shows the results of a customer survey conducted by telephone to measure the effects on GTEFL of allowing intraLATA competition. The data shows what percentage of customers would select their carrier based on either price or end-to-end service convenience (ability to package together intra- and interLATA services), the level of revenues GTEFL can expect to lose if interexchange carriers (IXCs) enter the intraLATA market today, and the effects on GTEFL's market and revenue shares of toll price reductions by GTEFL and by the IXCs. GTEFL intends to use the results of the study to position itself to compete with the IXCs in the intraLATA market. GTEFL believes that if the information is revealed, competitors will learn what the Company's responses will need to be when faced with particular competitive strategies and discounting by the IXCs.

GTEFL contends that this information will enable the IXCs to successfully compete against it without experiencing the market

trial and error that is typically necessary to devise effective competitive strategies. Although the Company asserts it paid a significant amount of money to outside consultants to perform the study, it did not show the costs involved in producing the material. However, it is clear that competitors could not obtain this kind of information from any public source.

Upon consideration, I agree with GTEFL regarding the confidentiality of this information. It provides unique marketing strategies prepared specifically for GTEFL. It cannot be found elsewhere and can only be obtained through marketing research. Further, this information meets the statutory requirements of Section 364.183(3) (e), Florida Statutes and, if disclosed, would impair the competitive intralATA toll business of GTEFL.

It is, therefore,

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that GTE Florida Incorporated's request for Specified Confidential Classification of portions of Documents Nos. 7498-94, 7524-94 and 10528-94 is granted 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, Florida Administrative Code, 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, Florida Statutes. 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.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 22nd day of March, 1995.



J. TERRY DEASON, Commissioner and
Prehearing Officer

(S E A L)

MMB

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.