

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution by Lake Wales ) DOCKET NO. 940406-TL  
City Commission requesting ) ORDER NO. PSC-95-0460-CFO-TL  
extended area service (EAS) ) ISSUED: April 7, 1995  
throughout Polk County. )  
\_\_\_\_\_ )

ORDER GRANTING REQUEST FOR SPECIFIED  
CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO. 8857-94

Pursuant to Resolution No. 94-08 filed with this Commission by the Lake Wales City Commission, we have been requested to consider requiring implementation of extended area service (EAS) between the Lake Wales exchange and the following exchanges or portions of exchanges: Avon Park, Bowling Green, Fort Meade, Haines City, Lakeland, Mulberry, and Polk City. The Haines City, Lakeland, Mulberry and Polk City exchanges are served by GTE Florida Incorporated (GTEFL), while the Avon Park, Bowling Green and Fort Meade exchanges are served by United Telephone Company of Florida (United).

In addition to involving intercompany routes, these EAS requests also involve interLATA (local access transport area) routes. The Lake Wales, Haines City, Lakeland, Mulberry and Polk City exchanges are located in the Tampa market area, and the Avon Park, Bowling Green and Fort Meade exchanges are located in the Fort Meyers market area.

The companies were directed to perform traffic studies on the routes under consideration by Order No. PSC-94-0666-PCO-TL, issued June 1, 1994. GTEFL filed its intraLATA traffic study data, along with a Request for Specified Confidential Classification (Request) of certain portions of the traffic study data, as identified in Appendix "A" to this Order. The Request has not been opposed by any party to this proceeding.

Pursuant to Section 119.01, Florida Statutes, documents submitted to this Commission are public records. 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.

Pursuant to the provisions of Section 364.183, Florida Statutes, and Rule 25.22.006, Florida Administrative Code, the Company has the burden of demonstrating that the materials qualify for specified confidential classification. According to Rule 25-22.006, Florida Administrative Code, the Company must meet this burden by demonstrating that the materials fall into one of

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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 the Company or its ratepayers harm.

The information for which GTEFL has requested specified confidential treatment consists of detailed statistics of the number of messages, minutes, and revenues for the specified intraLATA toll routes. According to GTEFL, with the advent of intraLATA toll competition as of January, 1992, such data, if disclosed, would give other providers an unfair competitive advantage, in that they would be able to determine the most profitable toll routes and tailor their facilities' expansion and marketing efforts accordingly. GTEFL asserts that the resulting decrease in toll revenues would ultimately work to the detriment of its ratepayers.

Upon review, the data identified in Document No. 8857-94 and in Appendix "A" to this Order is proprietary confidential business information pursuant to Section 364.183, Florida Statutes. As such, it shall be kept confidential and shall be exempt from Section 119.07(1), Florida Statutes.

It is therefore


ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that GTE Florida Incorporated's Request for Specified Confidential Classification of certain information identified in Document No. 8857-94 and in Appendix "A" to this Order, is hereby granted pursuant to Rule 25-22.006, Florida Administrative Code, and Section 364.183, Florida Statutes, for the reasons 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 confidential classification 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.

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By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 7th day of April, 1995.

  
DIANE K. KIESLING, Commissioner and  
Prehearing Officer

( S E A L )

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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.

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APPENDIX "A"

INDEX OF CONFIDENTIAL INFORMATION  
CONTAINED IN COMMISSION DOCUMENT NO. 8857-94

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