

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for confidential) DOCKET NO. 951068-TL
treatment of Florida Public) ORDER NO. PSC-95-1481-CFO-TL
Service Commission audit of BST) ISSUED: November 30, 1995
Set Use Fee by BellSouth)
Telecommunications, Inc. d/b/a)
Southern Bell Telephone and)
Telegraph Company.)
_____)
)

ORDER ON CONFIDENTIALITY

On September 11, 1995, staff filed certain documents consisting of a staff-prepared audit report and working papers obtained during the staff audit of Southern Bell Telephone and Telegraph Company's set use fees. The utility requested at the August 16, 1995, audit exit conference that the working papers and staff's Southern Bell set use fee audit report be temporarily excepted from public access pursuant to Rule 25-22.006(3)(a), Florida Administrative Code. On September 6, 1995, the utility requested pursuant to Rule 25-22.006, F.A.C., that certain portions of staff working papers receive confidential classification.

Pursuant to Section 119.01, Florida Statutes, documents submitted to this Commission are public records. The only exemptions to this law are specific statutory exemptions and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. Section 119.07(3)(w), F. S., identifies as confidential information: "All records supplied by a telecommunications company to a state or local government agency which contains the name, address, and telephone number of subscribers" Section 364.183(3)(e), Florida Statutes, identifies as confidential information: "Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information."

Pursuant to the provisions of Section 263.183, F.S., and Rule 25-22.006, F.A.C., the utility has the burden of demonstrating that the materials qualify for specified confidential classification. According to Rule 25-22.006, F.A.C., the utility must meet this burden by demonstrating that the materials fall into one of the statutory examples set forth in Section 364.183, F.S., or by demonstrating that the information is proprietary confidential business information, the disclosure of which will cause the utility or its ratepayers harm.

DOCUMENT NUMBER-DATE

11953 NOV 30 82

FPSC-RECORDS/REPORTING

Southern Bell seeks confidential classification for three types of information. The first consists of customer specific information such as names, addresses, and telephone numbers which Southern Bell argues is information considered confidential by Section 119.07(3)(w), F.S. The second type of information is pay phone location specific revenue, usage, and commissions payable data. Southern Bell argues that the information contained in the audit work papers is commercially valuable in that it discloses specific revenues, minutes of use, and commissions paid for a specific site provided by a location provider. It further states that the disclosure of this information would impair the competitive business of locating sites for pay phone service. The utility argues that the information is not generally known or otherwise available in the marketplace and disclosure would provide an advantage to other pay phone providers not otherwise available to them. Southern Bell cites PSC Order No. 24531, dated May 14, 1991, as an instance where the Commission has previously granted confidentiality of such information.

The third type of information consists of work structure which Southern Bell argues could lead to the discovery of costs of providing operator services for pay telephones placed in the state of Florida. It argues that the provision of operator services is competitive in Florida and disclosure of these specific details as to costs would impair BellSouth's ability to compete. It adds that the information is not generally known or otherwise available in the marketplace. Southern Bell states that the disclosure of this information would provide an advantage to other providers of operator services not otherwise available to them.

Southern Bell asserts that the information for which confidential treatment has been requested is intended to be and is treated as confidential by Southern Bell and has not been disclosed to the public.

Upon review, the data identified in Document Nos. 08884-95, 08885-95, and 08886-95, as described in Appendix A to this order is hereby found to be proprietary confidential business information pursuant to Section 364.183, F.S. As such, it shall remain confidential and shall be exempt from Section 119.07(1), F.S.

It is therefore

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that the Request for Confidential Classification for the information listed in Appendix A of this order contained in

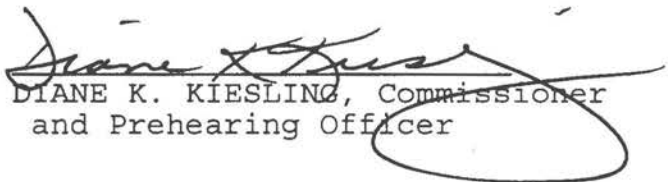
Document No. 08884-95, 08885-95, and 08886-95 (Cross-reference Document No 08729-95), filed by BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company is hereby granted pursuant to Rule 25-22.006, F.A.C., and Section 364.183, F.S., for the reasons set forth in the body of this order. It is further

ORDERED that pursuant to Section 364.183, F.S., and Rule 25-22.006, F.A.C., any confidential classification granted to the documents specified herein shall expire 18 months from the date of issuance of this order in the absence of a renewed request for confidentiality pursuant to Section 364.183, F.S. 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. It is further

ORDERED that this docket will be closed.

BY ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer this 30th day of November, 1995.


DIANE K. KIESLING, Commissioner
and Prehearing Officer

(S E A L)

DWC

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.

INDEX OF INFORMATION GRANTED
PROPRIETARY CONFIDENTIAL BUSINESS INFORMATION STATUS
IN COMMISSION DOCUMENT NO. 08729-95, 08884-95, 08885-95,
AND 08886-95

Staff Working Paper	So Bell Page Number	Lines (Columns)	Recommend	Reason
Information contained in documents 08884-95, 08886-95, and 08729-95				
Report page 13	13	9-30	Grant	Reports customer addresses
Report page 14	14	8-43 (E,G,H,I,J, N,O)	Grant	Reports competitive cost information
Information contained in documents 08885-95 and 08729-95				
46-7 page 3	104	6-20	Grant	Reports specific competitive revenue information
46-7 page 4	105	6-20	Grant	"
46-7 page 5	106	6-20	Grant	"
Information contained in documents 08886-95 and 08729-95				
10-5 p2	222	3-24	Grant	Reports customer addresses

10-6 p2	224	3-24	Grant	"
44-1	266	13-34	Grant	Reports customer addresses
44-1/1	267	5-26	Grant	"
44-3/1	318	14-25	Grant	"
44-3/2-1	320	3-14	Grant	"
44-6/1	327	10-31	Grant	"
44-6/1	328	9-30	Grant	Reports customer addresses; however, we note the utility has inadvertently duplicated its request that staff working paper 44-6/1 be granted confidential status. In duplicating the request, the utility has also provided utility page 328 which reports confidential information.