

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for ) DOCKET NO. 951050-TI  
certificate to provide ) ORDER NO. PSC-95-1483-CFO-TI  
interexchange telecommunications ) ISSUED: November 30, 1995  
service by ACOMM Inc. )  
\_\_\_\_\_)

ORDER DENYING REQUEST FOR  
CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO. 09196-95

On September 1, 1995, ACOMM, Inc., (ACOMM) filed an application for a certificate to provide interexchange telecommunications service. On September 18, 1995, ACOMM filed additional financial information in response to staff's request. This filing was given the Document No. 09196-95. Contained in this filing, was ACOMM's Notice of Intent to Request Confidential Classification for the financial information provided.

Subsequently, Harbor Consulting, on behalf of ACOMM, contacted Commission legal staff on October 16, 1995, and was provided with the applicable statutes and rules needed to prepare a Motion for Protective Order requesting confidential classification of the financial information. At this time, Harbor Consulting was informed that this filing was due on October 18, 1995. On October 26, 1995, eight days late, ACOMM filed its Motion for Protective Order.

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. Further, pursuant to 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.

The information in Document No. 09196-95 for which ACOMM has requested confidential classification consists of an unaudited 1994 financial statement. According to ACOMM, disclosure of this information would allow ACOMM's competitors to assess their size and capacity and allow the competitors to reveal this information to prospective or existing customers in order to lure them away from ACOMM.

DOCUMENT NUMBER-DATE  
11955 NOV 30 1995  
FPSC-REGULATORY/REPORTING


ORDER NO. PSC-95-1483-CFO-TI  
DOCKET NO. 951050-TI  
PAGE 2

ACOMM's request for confidential treatment, filed eight days late, is denied as untimely. ACOMM has failed to adequately demonstrate that the release of the information for which confidential treatment has been requested could cause competitive harm to its business. For these reasons, ACOMM's request for Confidential Classification of Document No. 09196-95 is denied.

Based on the foregoing, it is

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that the request by ACOMM, Inc., for confidential classification of Document No. 09196-95 is denied.

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 )

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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

ORDER NO. PSC-95-1483-CFO-TI  
DOCKET NO. 951050-TI  
PAGE 3

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.