

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by subscribers) DOCKET NO. 941281-TL
of the Groveland exchange for) ORDER NO. PSC-96-0806-CFO-TL
extended area service (EAS) to) ISSUED: June 21, 1996
the Orlando, Winter Garden, and)
Windermere exchanges.)
_____)

ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF PORTIONS OF DOCUMENTS NOS. 04839-96 AND 05580-96

This docket was initiated pursuant to a petition by the subscribers of the Groveland exchange (Subscribers) for EAS to the Orlando exchange. The Winter Garden and Windermere exchanges were included to prevent "leapfrogging." The Groveland, Windermere, and Winter Garden exchanges are served by United Telephone Company of Florida (United), and the Orlando exchange is served by BellSouth Telecommunications, Inc. (BellSouth).

By Order No. PSC-95-0080-PCO-TL, issued January 17, 1995, we required United and BellSouth to conduct traffic studies on the proposed EAS routes. On March 10, 1995, BellSouth filed a motion for modification of Order No. PSC-95-0080-PCO-TL. According to BellSouth, since AT&T Communications of the Southern States, Inc. performs much of the rating and recording associated with the interLATA routes at issue, BellSouth did not possess all of the data necessary to comply with Order No. PSC-95-0080-PCO-TL. It, therefore, requested to be relieved of the requirement to conduct traffic studies on these routes. We granted BellSouth's motion by Order No. PSC-95-0596-FOF-TL, issued May 11, 1995.

Under Rule 25-4.060(3), Florida Administrative Code, a calling rate of at least three messages per access line per month (MAMs) is required in cases where the petitioning exchange contains less than half the number of access lines as the exchange to which EAS is desired. The rule further requires that at least 50 percent of the subscribers in the petitioning exchange make two or more calls per month to the larger exchange to qualify for flat-rate, two-way, nonoptional EAS.

The routes in this docket did not meet the requirements set forth in Rule 25-4.060(3), Florida Administrative Code, for flat rate, two-way nonoptional EAS. The Groveland/Orlando route did meet the MAM requirement, however, it failed to meet the distribution requirement. Since the distribution was close to qualifying, United conducted a traffic study for a different period. The results were essentially the same.

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FPSC-RECORDS/REPORTING

This Commission held a public hearing on this matter, in Groveland, on April 18, 1996. At the hearing, United was asked to file the second traffic study as Late-Filed Exhibit No. 8. United filed Late-Filed Exhibit No. 8, which was designated as Document No. 04839-96, on April 29, 1996, along with a notice of intent to request confidential classification. On May 20, 1996, United filed a second copy of Late-Filed Exhibit No. 8, which was designated as Document No. 05580-96, along with its formal request for confidential classification.

Under Chapter 119, Florida Statutes, documents submitted to state, county, and municipal governments are public records. The only exceptions are documents exempted by statute and those exempted by governmental agencies pursuant to specific statutory provisions. Pursuant to Section 364.183, Florida Statutes, certain types of proprietary, confidential business information may be held exempt from the public records law, upon a showing by the owner of the information, and a finding by the Commission, that public disclosure of the information would harm either the owner of the information or its customers. Under Section 364.183(4), Florida Statutes, any confidentiality granted by the Commission expires after eighteen months in the absence of a renewed request.

With regard to page 1, line 1, columns B-G, United argues that:

This traffic data is numbers of main stations, messages, M/A/M and percentage of customers making two or more calls, and call distribution data for the Groveland - Orlando route at issue in this docket. This data for the routes at issue in this proceeding basically provide a blueprint of the toll usage over these routes. Competition in the intraLATA toll market is increasing, and the FPSC has authorized intraLATA presubscription. If some form of an alternative toll plan is not ordered by the Commission, Sprint-United may be subject to presubscribed competition on this route.

Although the traffic information is clearly necessary for full examination of the merits of the extended area service request in this case, such information also contains data that indicates which routes at issue in this case contain the most concentrated traffic. The disclosure of such traffic patterns to the public would make available to competitors could use to target the most lucrative routes. This disclosure would harm the company by making

sensitive traffic data available to competitors at no cost.

With regard to page 2, lines 1-15, columns A-C, United argues that:

This page shows the same type of traffic information . . . broken down between business and residential customers. It shows basic statistics for access lines, number of customers, messages, message minutes and message revenues. It also shows various statistics computed using these base statistics.

This data for the routes at issue in this proceeding basically provide a blueprint of the toll usage over these routes. Competition in the intraLATA toll market is increasing, and the FPSC has authorized intraLATA presubscription. If some form of an alternative toll plan is not ordered by the Commission, Sprint-United may be subject to presubscribed competition on this route.

Although the traffic information is clearly necessary for a full examination of the merits of the extended area service request in this case, such information also contains data that indicates which routes at issue in this case contain the most concentrated traffic. The disclosure of such patterns to the public would make available to competitors could use to target the most lucrative routes. This disclosure would harm the company by making sensitive traffic data available to competitors at no cost.

As for page 3, lines 1-60, page 4, lines 1-26, page 5, lines 1-8, page 6, lines 1-60, page 7, lines 1-17, page 8, lines 1-8, page 9, lines 1-60, page 10, 1-49, and page 11, lines 1-8, columns A-L on each page, United claims that:

This page shows the same type of traffic information . . . broken down on a call distribution basis. It shows basic statistics for access lines, number of customers, messages, message minutes and message revenues. It also shows various statistics computed using these base statistics.

This data for the routes at issue in this proceeding basically provide a blueprint of the toll usage over these routes. Competition in the intraLATA toll market is increasing, and the FPSC has authorized intraLATA

presubscription. If some form of an alternative toll plan is not ordered by the Commission, Sprint-United may be subject to presubscribed competition on this route.

Although the traffic information is clearly necessary for a full examination of the merits of the extended area service request in this case, such information also contains data that indicates which routes at issue in this case contain the most concentrated traffic. The disclosure of such traffic patterns to the public would make available to competitors highly valuable competitive information which such competitors could use to target the most lucrative routes. This disclosure would harm the company by making sensitive traffic data available to competitors at no cost.

Finally, with regard to page 12, line 1, columns B-F, United contends that:

This page summarizes the same type of traffic information This data for the routes at issue in this proceeding basically provide a blueprint of the toll usage over these routes. Competition in the intraLATA toll market is increasing, and the FPSC has authorized intraLATA presubscription. If some form of an alternative toll plan is not ordered by the Commission, Sprint-United may be subject to presubscribed competition on this route.

Although the traffic information is clearly necessary for a full examination of the merits of the extended area service request in this case, such information also contains data that indicates which routes at issue in this case contain the most concentrated traffic. The disclosure of such traffic patterns to the public would make available to competitors highly valuable competitive information which such competitors could use to target the most lucrative routes. This disclosure would harm the company by making sensitive traffic data available to competitors at no cost.

Upon consideration, it appears that the information described above is proprietary confidential business information. Further, United argues that the information has not been disclosed, except pursuant to a protective agreement. Accordingly, United's request

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for confidential classification of portions of Documents Nos. 04839-96 and 05580-96 is granted.


It is, therefore,

ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that United Telephone Company of Florida's request for confidential classification of portions of Documents Nos. 04839-96 and 05580-96 is granted. It is further

ORDERED that, pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the confidential classification granted for portions of the documents specified herein shall expire eighteen (18) months from the date of this Order in the absence of a renewed request for confidential classification. It is further

ORDERED that this Order shall constitute the only notice concerning the expiration of confidential classification.

By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 21st day of June, 1996.



JULIA L. JOHNSON, Commissioner and
Prehearing Officer

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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 25-22.0376, 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.