

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by AT&T
Communications of the Southern
States, Inc. for arbitration of
certain terms and conditions of a
proposed agreement with GTE
Florida Incorporated concerning
interconnection and resale under
the Telecommunications Act of
1996.

DOCKET NO. 960847-TP
ORDER NO. PSC-98-0091-CFO-TP
ISSUED: January 14, 1998

ORDER GRANTING GTE FLORIDA INCORPORATED'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION AND MOTION FOR PROTECTIVE ORDER FOR
LATE FILED DEPOSITION EXHIBITS IN DOCUMENT NO. 11652-96

BY THE COMMISSION:

Pursuant to Rule 25-22.006(4), Florida Administrative Code, GTE Florida Incorporated (GTEFL or the company) requested confidential treatment for certain information. This information is contained in Document No. 11652-96.

Documents submitted to governmental agencies in Florida are public records. The only exceptions are the specific statutory exemptions provided in the law and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. This is based on the concept that government should operate in the "sunshine." Rule 25-22.006(4), Florida Administrative Code, provides that it is the company's burden to demonstrate that the documents fall into one of the statutory examples set out in section 364.183, Florida Statutes, or to demonstrate that the information is proprietary confidential information, the disclosure of which will cause the company or its ratepayers harm.

Section 364.183(3), Florida Statutes, provides the following definition for proprietary confidential business information.

The term 'proprietary confidential business information' means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's

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business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. The term includes, but is not limited to:

- (a) Trade secrets.
- (b) Internal auditing controls and reports of internal auditors.
- (c) Security measures, systems, or procedures.
- (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company or its affiliates to contract for goods or services on favorable terms.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

Rule 25-22.006(4)(c), Florida Administrative Code, requires that the company demonstrate by a line-by-line or field-by-field justification how the information asserted to be confidential qualifies as one of the statutory examples listed in section 364.183(3), Florida Statutes. If no statutory example is applicable, then the company shall include a statement explaining how the ratepayers or the company's operations will be harmed by disclosure. The company has requested confidential treatment for the following:

Pages 1-80, Late Filed Exhibit No. 1, Document 1, Column 3.

Pages 1-20, Late Filed Exhibit No. 1, Document 2, all columns containing numbers.

Pages 1-34, Late Filed Exhibit No. 2, column labeled "Direct Costs."

Pages 2-12, Late Filed Exhibit No. 3, all columns containing figures.

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The first document in Late Filed Exhibit No. 1, pages 1-80, contain an avoided cost analysis by account for GTEFL's domestic telephone operations. Pages 1-20 of the second document in Exhibit No. 1 contain a modified avoided cost study of the same expense data contained in the first document in Exhibit No. 1. Pages 1-34 of Late Filed Exhibit No. 2 provides the direct costs of the workcenters in Attachment 5 of GTEFL's avoided cost study. Finally pages 2-12 of the company's Late Filed Exhibit No. 3 contain a cost study of the company's wholesale connection charge.

The company contends that all of the above information comprises confidential business information since it is information relating to competitive interests. The documents concern the company's calculation of wholesale costs for resold services. Disclosure should result in an unfair advantage being gained by GTEFL's competitors. The information could be used by competitors to develop their entry and marketing plans.

Because of the financial nature of the information, it appears to meet the statutory definition of confidential business information as provided in section 364.183(3)(e), Florida Statutes. The financial information of a provider of telecommunications services is valuable to a competitor and for this reason, GTEFL's request for confidential classification and motion for protective order are granted.

Based upon the foregoing, it is


ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that GTE Florida Incorporated's request for Confidential Classification and Motion for Protective Order for Document No. 11652-96 are granted. 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. 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 J. Terry Deason, as Prehearing Officer, this 14th day of January, 1998.



J. TERRY DEASON
Prehearing Officer

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.