

**ORIGINAL  
ATTORNEY COPY**

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July 11, 1989

Mr. Steven C. Tribble, Director  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32301

Re: Docket No. 870790-TL  
Gilchrist County EAS

Dear Mr. Tribble:

Enclosed for filing in the above referenced docket are one (1) original and fifteen (15) copies of AT&T's Protest of Order Regarding Confidentiality. Service has been made on the respective parties in accordance with the attached Certificate of Service.

Thank you for your consideration in this matter.

Yours truly,

*Michael W. Tye*  
Michael W. Tye

- ACK
- AFA
- APP 1 w/m
- CAF
- CMU
- CTR
- EAG        MWT:sdh
- LEG 1
- LIN 6 Attachments
- CPC        cc: J. P. Spooner, Jr.  
Rita Swaye
- RCH
- SEC 1
- WAS
- OTH

RECEIVED & FILED

T.B.  
PSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
06776 JUL 11 1989  
PSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Extended ) DOCKET NO. 870790-TL  
Area Service throughout ) Date Submitted:  
Gilchrist County ) July 11, 1989

PROTEST OF ORDER REGARDING CONFIDENTIALITY

AT&T Communications of the Southern States, Inc. (hereinafter "AT&T"), pursuant to Rule 25-22.006(2)(f), files this Protest to Order No. 21452 issued in the above-referenced docket on June 27, 1989, and respectfully requests that the Commission reverse its tentative ruling denying the Request for Specified Confidential Classification of material filed by ALLTEL Florida, Inc. (hereinafter "ALLTEL"). In support thereof, AT&T respectfully shows as follows:

1. AT&T is an interexchange carrier (hereinafter "IXC") presently engaged in the business of providing intrastate interexchange telecommunications services pursuant to a certificate issued by the Florida Public Service Commission (hereinafter the "Commission"). The Company's full name and address are:

AT&T Communications of the Southern States, Inc.  
1200 Peachtree Street, NE  
Atlanta, Georgia 30309

DOCUMENT NUMBER-DATE  
06776 JUL 11 1989  
RECORDS/REPORTING

2. AT&T's authorized representative to whom all pleadings, orders, and correspondence with respect to this docket should be addressed is:

Michael W. Tye, Esq.  
Suite 505  
315 South Calhoun Street  
Tallahassee, Florida 32301  
(904) 224-5407

3. AT&T presently subscribes to intrastate billing and collection services offered by ALLTEL. The Request for Specified Confidential Classification which ALLTEL filed in this docket related to a traffic study summarizing the calling patterns along certain interLATA routes in Gilchrist County. Such routes are subject to competitive pressures by virtue of their interLATA nature. The data contained in the study constitutes AT&T's interLATA traffic usage along the subject routes. Such information is proprietary confidential business information which ALLTEL is required to protect and which would provide valuable market data not otherwise available to AT&T's competitors if released.

4. Order No. 21452 is a tentative ruling denying ALLTEL's Request for Specified Confidential Classification of this material on the grounds that release of this information would not "affect the ability to contract for and provide service on favorable terms."

Moreover, the order indicates that:

"As to the IXC, in this case AT&T-C, ALLTEL may not maintain a Request for Confidential Treatment in its behalf." Order No. 21452, p. 2.

5. AT&T submits that the tentative ruling is erroneous on several grounds. First, as to the ruling that release of this information would not affect the ability of ALLTEL to contract for and provide service on favorable terms, AT&T submits that this type of ruling does, indeed, affect ALLTEL's ability to provide billing and collection services to AT&T and to other IXCs. The marketability of ALLTEL's billing and collection services is directly affected by ALLTEL's ability to protect from public disclosure the proprietary traffic data of those IXCs for which it performs such services. It is inconceivable that IXCs would be inclined to contract for LEC billing and collecting services under circumstances where this proprietary data could be subjected to public disclosure. Hence, disclosure of the proprietary confidential business information in this case could severely hamper ALLTEL's efforts to market its billing and collection services.

6. The Commission should also note that ALLTEL and other LECs also utilize traffic data of AT&T and other IXCs for network planning purposes. Such information is often essential to the LEC in planning for the efficient

utilization of the local exchange network. Rulings of the nature set forth in Order No. 21452 could restrict the ability of ALLTEL to obtain needed information, thereby hampering its efforts to conduct meaningful network planning and maximize network efficiency. Thus, such rulings will not only be detrimental to the interest of the LEC but also will be detrimental to the public interest.

7. AT&T further submits that the ruling that only AT&T, as the "owner" of the data, may submit a Request for Specified Confidential Classification of the subject material is erroneous. Rule 25-22.006(1)(i) defines the "source" of information to be:

"...the person, corporation or other entity who created, owns or is described by the material and whose interest may be affected by the disclosure of the material."  
(Emphasis added).

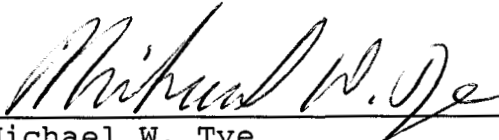
In this case, the proprietary confidential business information is created by ALLTEL when it bills an AT&T call. While AT&T may also be considered a "source" with attendant rights under other parts of Rule 25-22.006(1)(i), this does not diminish the fact that ALLTEL actually creates the information, and, as previously shown, ALLTEL's interest may be affected by disclosure of the material. Consequently, the ruling that only AT&T may file the request to have such

information exempted from the public records law is based on an erroneously restrictive interpretation of the rule. Such interpretation would extinguish ALLTEL's right to comply with the provisions under which it provides billing and collection services, and would restrict its ability to market such services in the future.

8. AT&T submits that departure from the Commission's prior practice of allowing LEC's to request Specified Confidential Classification of traffic studies which they compile is unwarranted. The positions taken in Order No. 21452 are not in accordance with the clear language of Rule 25-22.006, are harmful to the LECs, are harmful to the IXCs, and ultimately will be harmful to the general public. In ruling on this Protest, the Commission should be mindful of the fact that, in its subscription to ALLTEL's billing and collection services, AT&T is nothing more than a customer of ALLTEL. In this instance, AT&T should be treated the same as any other customer. ALLTEL should be permitted to seek and obtain Specified Confidential Classification of the subject information in the same manner as it would be permitted to seek and obtain Specified Confidential Classification of information which it creates on behalf of any other customer which it serves.

WHEREFORE, AT&T Communications of the Southern States, Inc. respectfully requests that the Commission reverse the rulings set forth in Order No. 21452 and grant ALLTEL's Request for Specified Confidential Classification of the traffic study filed in this docket.

Respectfully submitted,



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315 S. Calhoun Street  
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(904) 224-5407

ATTORNEY FOR AT&T COMMUNICATIONS  
OF THE SOUTHERN STATES, INC.

CERTIFICATE OF SERVICE

Docket No. 870790-TL

I HEREBY CERTIFY that a true copy of the foregoing has been sent by U.S. Mail or hand-delivered to the following parties of record on this 11<sup>th</sup> day of July, 1989.

AllTel, Inc.  
Attn: Richard Brashear  
Post Office Box 550  
Live Oak FL 32060

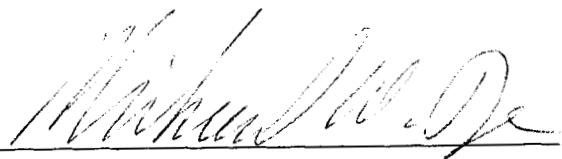
Southern Bell Telephone and  
Telegraph Company  
Harris R. Anthony, Esq.  
E. Barlow Keener, Esq.  
c/o: Marshall Criser  
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Tallahassee, FL 32301

Board of County Commissioners  
Gilchrist County  
Attn: Mitzi Cockrell Austin  
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Department of Communications  
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