

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by ESCAMBIA COUNTY	)	DOCKET NO. 871268-TL
BOARD OF COUNTY COMMISSIONERS for	)	
Extended Area Service between all	)	ORDER NO. 21737
Escambia County Communities	)	
	)	ISSUED: 8-16-89

ORDER ON CONFIDENTIALITY

This docket was initiated upon a request for countywide Extended Area Service (EAS) filed by the Escambia Board of County Commissioners on December 1, 1987. The exchanges involved in this request are served by either Southland Telephone Company (Southland) or Southern Bell Telephone and Telegraph Company (Southern Bell). In addition to involving intercompany routes, this request also involves interLATA (Local Access Transport Area) routes.

Order No. 18615, issued December 29, 1987, directed Southern Bell and Southland to complete traffic studies on the affected routes. A subsequent order, Order No. 19000, granted the companies an extension of time to complete and submit the traffic data due to the complexities inherent in completing an interLATA traffic study. Additionally, the Prehearing Officer granted both companies' requests that the results of their traffic studies be afforded confidential treatment. The Prehearing Officer ruled the traffic data confidential on the basis that the disclosure of the traffic volume on the interLATA routes would aid competitors to the detriment of the long distance carriers which currently provide service on the affected routes. Three orders were issued which granted specified confidential treatment to the traffic data along the interLATA routes in this docket: Order No. 19769, issued August 8, 1988 (Southland data); Order No. 19978, issued September 12, 1988 (Southland data); and Order No. 20057, issued September 23, 1988 (Southern Bell data).

By Order No. 20605, issued January 17, 1989, the Commission proposed granting countywide EAS in Escambia County upon terms specified within the Order. On February 2, 1989, before the proposed agency action became final, Southland filed its Petition protesting the action proposed by the Commission in Order No. 20605.

On March 31, 1989, an Order on Prehearing Procedure, Order No. 20970, was issued. This Order identified the issues to be addressed at the upcoming hearing and established deadlines for

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certain key activities in the proceeding. Among other things, this Order directed the parties to file direct testimony by April 24, 1989, rebuttal testimony by May 1, 1989, and prehearing statements by May 1, 1989.

On April 12, 1989, Southern Bell filed a Motion for Extension of Time seeking additional time in which to submit its prefiled testimony. Southern Bell asserted that such an extension of time was necessary in order to complete an accurate and proper economic study and updated traffic studies, both of which Southern Bell considered essential to its testimony in this docket. In support of its request for additional time, Southern Bell cited Rule 25-4.060(1), Florida Administrative Code, which allows a company up to sixty (60) days to complete traffic studies, and Rule 25-4.061(2), Florida Administrative Code, which provides up to ninety (90) days for completing an economic impact study.

By Order No. 21214, issued May 9, 1989, the Commission granted Southern Bell's Motion for Extension of Time. Southern Bell was granted sixty (60) days to complete and submit current traffic studies and ninety (90) days to complete and submit an updated economic impact analysis, with both these time limits measured from March 31, 1989, the issuance date of the Order on Prehearing Procedure.

Meanwhile, on April 24, 1989, Southland filed its direct testimony of Thomas E. Wolfe, along with a request for confidential treatment of portions of the exhibits identified in the filing as exhibits TW-1, TW-2 and TW-4. On April 24, 1989, Southern Bell filed its direct testimony of Edna F. Bailey, Sandy E. Sanders and Ann M. Barkley. This Southern Bell testimony was annotated to indicate that it was based upon the most recent data then available and would be updated at such time as the updated traffic studies and economic impact analysis became available. No request for confidentiality accompanied the Southern Bell filing.

On May 2, 1989, Southern Bell filed a request for confidential treatment for certain information included in the direct testimony of Sandy E. Sanders previously filed on April 24, 1989, and identified in that filing as exhibits 2, 3 and 4. Southern Bell also requested that the original Sanders filing of April 24th be returned to counsel for the company and that the Commission substitute the May 2d filing in its place.

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On May 10, 1989, the Prehearing Conference was held. The Prehearing Officer denied Southland's April 24, 1989, request for confidentiality. However, the confidential status of portions of Southland's filing was ordered to be preserved while AT&T Communications of the Southern States, Inc. (AT&T) was given an opportunity to file its own confidentiality request for the Southland data. Additionally, the Prehearing Officer deferred ruling on Southern Bell's May 2, 1989, confidentiality request, pending the filing of briefs by the parties on the legal issues raised by Southern Bell's request. Confidential treatment would be afforded the Southern Bell data in the interim. May 19, 1989, was established as the deadline for submitting the above-referenced filings.

The Hearing in this matter was held on May 23, 1989, in Walnut Hill, Florida. By that time, the briefs on confidentiality requested during the Prehearing Conference had been filed by the appropriate parties. The Hearing Panel declined ruling on the confidentiality requests of Southern Bell, Southland, and AT&T during the Hearing, but did rule that confidential status of the data was to be preserved in the meantime.

On June 7, 1989, a Motion Hearing was held for the limited purpose of considering the confidentiality issues in this docket. As a result of that Hearing, the Commission issued Order No. 21484 which granted confidential status to the interLATA traffic data filed by both Southern Bell and Southland in this docket. The Prehearing Officer ruled that existing Orders No. 19769, 19978, and 20057 were broad enough by their terms to encompass the updated versions of the same data filed and due to be filed by both Southern Bell and Southland.

Southern Bell filed its updated traffic study data on May 30, 1989, and its updated economic impact study on June 29, 1989.

On July 11, 1989, Escambia County filed a Motion for Extension of Time, requesting additional time in which to file its post-hearing brief in this docket. As grounds for its request, Escambia County cited the importance of the traffic studies and the economic impact data in this docket, along with Escambia County's desire to cross examine the individuals who prepared both of these documents. Additionally, Escambia

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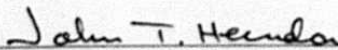
County noted that it did not receive its copy of Southern Bell's economic impact filing until July 3, 1989, and thereafter, did not receive protective agreements and confidential data until July 10, 1989, although briefs of the parties were scheduled to be filed on or before July 14, 1989. Escambia County asserted that it would be difficult, if not impossible, to conduct discovery and file a brief under such time constraints. Counsel for Escambia County represented that none of the parties had any objection to granting a reasonable extension of time. By Order No. 21588, issued July 20, 1989, the Prehearing Officer granted Escambia County's Motion and established August 4, 1989, as the new deadline for filing briefs in this docket.

On August 4, 1989, Southern Bell filed its post-hearing brief, along with a request for confidential treatment of portions of the brief. Upon consideration, I find it appropriate to grant Southern Bell's request. The data for which Southern Bell seeks confidential treatment is the same data previously granted confidential status by Order No. 21484.

Therefore, based on the foregoing it is

ORDERED by Commissioner John T. Herndon, as Prehearing Officer, that the interLATA traffic data filed by Southern Bell Telephone and Telegraph Company on August 4, 1989, is hereby granted confidential treatment pursuant to Rule 25-22.006, Florida Administrative Code, and Section 364.183, Florida Statutes, for the reasons enumerated above.

By ORDER of the Florida Public Service Commission,  
this 16th day of AUGUST, 1989.

  
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JOHN T. HERNDON, Commissioner  
and Prehearing Officer

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