

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation into SOUTHERN ) DOCKET NO. 900960-TL  
 BELL TELEPHONE AND TELEGRAPH COMPANY'S ) ORDER NO. 25238  
 non-contact sales practices. ) ISSUED: 10/22/91  
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ORDER DENYING SOUTHERN BELL TELEPHONE AND  
 TELEGRAPH COMPANY'S MOTION FOR CONFIDENTIAL  
 TREATMENT OF DOCUMENT NO. 3878-91

On April 23, 1991, Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed a Request for Confidential Classification of their Response to Item No. 12 of Staff's First Set of Interrogatories. The motion requested that the information be treated as confidential business information and not be subject to public disclosure. Item No. 12 asked the Company:

Regarding those employees and managers who Southern Bell believes should have been knowledgeable of the fraudulent sales of services, please identify such individuals (name, title, location), why they were disciplined, and how they were disciplined.

In response to this request, Southern Bell provided a list of 19 employees who were disciplined as a result of the Company's investigations, including the employees' names, their job location, and their job titles. The Company asserts that the names of the employees and, in two instances, their job titles, should be afforded confidential treatment, in that these individuals could be identified from this information. In support of its request, Southern Bell cites Section 364.183(3)(f), Florida Statutes, asserting that identification of the aforementioned employees does not relate to their compensation, duties, qualifications or responsibilities.

Florida law provides, in Section 119.07(1), Florida Statutes, that documents submitted to governmental agencies shall be public records. The only exceptions to this law are specific statutory exemptions, and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision. This law derives from the concept that government should operate in the "sunshine." It is our view that parties must meet a very high burden when requesting a protective order or confidential classification of documents that are submitted during a proceeding before this Commission.

DOCUMENT NUMBER-DATE

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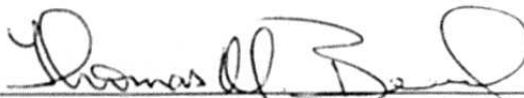
Pursuant to Section 368.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Southern Bell has the burden to show that the material submitted is qualified for confidential classification. Rule 25-22.006, Florida Administrative Code, provides that Southern Bell may fulfill its burden by demonstrating that the information falls into one of the statutory examples set out in Section 364.183, Florida Statutes, or by demonstrating that the information is proprietary confidential information the disclosure of which will cause Southern Bell or its ratepayers harm.

Upon review of the Company's request and the information involved, we find that Southern Bell has not demonstrated that the employee names and in two instances their job titles warrant confidential status. The company does not object to releasing the information of job location, why the employee was disciplined, and in most cases the job title of the employee. However, given all this information the names of the employees could be easily discovered. In fact this was the very argument advanced by the Company in support of confidential treatment of job titles describing two of the employees. Additionally, job titles are clearly related to the employee's duties and responsibilities. Therefore, Southern Bell's Request for Confidential Classification of employee names and job titles contained in Document No. 3878-91 is denied.

Based on the foregoing, it is, therefore,

ORDERED by Chairman Thomas M. Beard, as Prehearing Officer, that the Request for Confidential Classification for portions of Document No. 3878-91 is hereby denied.

BY ORDER of Chairman Thomas M. Beard, as Prehearing Officer,  
this 22nd day of OCTOBER, 1991.



THOMAS M. BEARD, Chairman  
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 25-22.038(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 sewer 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.