

M E M O R A N D U M

March 2, 1993

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PM
FPSC RECORDS/REPORTING

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (MURPHY) *cm*
RE: DOCKETS NOS. 920260-TL, 900960-TL, 910163-TL, 910727-TL
-----*PSC-93-0326-CFO-TC*-----

Attached is an ORDER GRANTING IN PART AND DENYING IN PART REQUEST FOR CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO. 10539-92 in the above-referenced docket, which is ready to be issued.

CWM/ttl

Attachment

cc: Division of Communications (Norton)
Division of Auditing and
Financial Analysis (Wright)

10539-92.cwm

DOCUMENT NUMBER-DATE

02347 MAR-38

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Comprehensive review of) DOCKET NO. 920260-TL
the revenue requirements and)
rate stabilization plan of)
SOUTHERN BELL TELEPHONE AND)
TELEGRAPH COMPANY.)
-----)
In Re: Show cause proceedings) DOCKET NO. 900960-TL
against SOUTHERN BELL TELEPHONE)
AND TELEGRAPH COMPANY for)
misbilling customers.)
-----)
In Re: Petition on behalf of) DOCKET NO. 910163-TL
Citizens of the State of Florida)
to initiate investigation into)
integrity of SOUTHERN BELL)
TELEPHONE AND TELEGRAPH)
COMPANY'S repair service)
activities and reports.)
-----)
In Re: Investigation into) DOCKET NO. 910727-TL
SOUTHERN BELL TELEPHONE AND) ORDER NO. PSC-93-0326-CFO-TL
TELEGRAPH COMPANY's compliance) ISSUED: 03/03/93
with Rule 25-4.110(2), F.A.C.,)
Rebates.)
-----)

ORDER GRANTING IN PART AND DENYING IN PART
REQUEST FOR CONFIDENTIAL
CLASSIFICATION OF DOCUMENT NO. 10539-92

On September 14, 1992, Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed a Request for Confidential Classification (Request) of certain material submitted in response to Interrogatory Numbers 50 and 52 of Staff's Third Set of Interrogatories. The Commission has assigned Document No. 10539-92 to the Company's response.

Florida law provides, in Section 119.01, Florida Statutes, that documents submitted to governmental agencies shall be public records. This law derives from the concept that government should operate in the "sunshine." 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.

Accordingly, pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, it is the Company's burden to show that the material submitted is qualified

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for specified confidential classification. Rule 25-22.006 provides that the Company may fulfill its burden by demonstrating that the documents fall into one of the statutory examples set forth in Section 364.183 or by demonstrating that the information is proprietary confidential information, the disclosure of which will cause the Company or its ratepayers harm.

To this end, Southern Bell asserts that the material at issue encompasses unregulated itemized expenses, net income, and forecasted revenues/expenses associated with BellSouth Advertising and Publishing Company which the Company contends is confidential proprietary business information pursuant to Section 364.183(3)(e), Florida Statutes. The Company contends that disclosure of this information would give an advantage to its competitors. The material is found at Interrogatory 50, page 2 of 2 at lines 14-19, Interrogatory 52 page 1 of 2 at lines 25-28, and Interrogatory 52 page 2 of 2 at lines 17-19.

Upon review, the material is found to be as described by the Company. Disclosure of the requested information at Interrogatory 50, page 2 of 2, at lines 18-19, and Interrogatory 52, page 2 of 2, lines 17 and 19 would cause the Company competitive harm. Thus, it is found to be confidential proprietary business information pursuant to Section 364.183(3)(e), Florida Statutes. Such information is exempt from the disclosure requirements of Section 119.07(1), Florida Statutes. Accordingly, the Company's Request regarding this material shall be granted.

The Request as it applies to information at Interrogatory 50, page 2 of 2, at 14-17; Interrogatory 52, page 1 of 2, at 25-28; and Interrogatory 52, page 2 of 2 at 18 shall be denied. This information was previously disclosed in the Company's response to Interrogatory No. 39.

Therefore, based on the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that Southern Bell Telephone and Telegraph Company's September 14, 1992, Request for Confidential Classification of Document No. 10539-92 is granted in part and denied in part as set forth in the body of this Order. It is further


ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, the confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of

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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.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 3rd day of March, 1993.


SUSAN F. CLARK, Commissioner
and Prehearing Officer

(S E A L)

CWM

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.

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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.