

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into ) DOCKET NO. 910727-TL  
SOUTHERN BELL TELEPHONE AND )  
TELEGRAPH COMPANY's compliance ) ORDER NO. PSC-92-0053-PCO-TL  
with Rule 25-4.110(2), F.A.C., )  
Rebates. ) ISSUED: 3/12/92  
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ORDER GRANTING CONFIDENTIAL  
TREATMENT OF DOCUMENT 12681-91

On December 23, 1991, Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed a Request for Confidential Treatment (Request) of certain information provided in response to Staff's First Request for Production of Documents. The Documents at issue are forms identified as Detailed Long Extended Trouble Histories (DLETHs). DLETHs reflect trouble reports submitted by, or on behalf of, customers. Our staff directed the Company to remove the name and address of all subscribers; however, other personal information, such as subscriber age and health, remained on the documents. The Company urges us to hold such subscriber information to be confidential.

It is the Company's view that Section 119.07(3)(w), Florida Statutes, makes each record, in its entirety, exempt from disclosure. However, in an effort to limit the amount of information withheld from the public view, the Company has identified specific information within the documents which it believes should be protected. The requested material is limited to the aforementioned descriptive statements which can be linked to an individual through a telephone number. An example of this type of information is "elderly parents on premises."

Since the Company submitted versions of the documents which did not contain names and addresses of subscribers, the documents which were submitted to the Commission are not entitled to exemption under Section 119.07(3)(w), Florida Statutes, which was quoted by the Company in its Request. Thus, we do not reach the issue of whether, as asserted, the Statute would protect the entire document. However, we note that Section 364.183(3), Florida Statutes, provides for the confidentiality of information which has been protected by the Company when "disclosure of the information would cause harm to the ratepayers . . . ." It is our view that personal information regarding health, age, or the daily schedule of ratepayers, when linked to a telephone number, could result in harm to those ratepayers. Therefore, on our own motion, we grant

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confidential treatment to the requested material pursuant to Section 364.183(3), Florida Statutes.

Therefore, based upon the foregoing, it is

ORDERED by J. Terry Deason, as Prehearing Officer, that confidential treatment is granted to the requested material contained in Document No. 12681-91.

By ORDER of J. Terry Deason, Commissioner and Prehearing Officer, this 12th day of MARCH, 1992.

  
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J. TERRY DEASON, 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.

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

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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.