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ORIGINAL
FILE COPY

July 8, 1992

Steve Tribble, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, FL 32399-0850

Re: Docket No. 910163-TL

Dear Mr. Tribble:

Enclosed for filing in the above-captioned proceeding on behalf of the Citizens of the State of Florida are the original and 15 copies of Citizens' Response to Southern Bell's Request for Confidential Classification and Motion for Permanent Protective Order.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Charles J. Beck
Charles J. Beck
Deputy Public Counsel

X-128 DN 06897-92

Enclosure

JACK ✓
AFB _____
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CFC _____
CSD _____
CSE _____
EFC _____
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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the)
Integrity of Southern Bell's)
Repair Service Activities and)
Reports)
_____)

Docket No. 910163-TL
Filed: July 8, 1992

CITIZENS' RESPONSE TO SOUTHERN BELL'S REQUEST FOR CONFIDENTIAL CLASSIFICATION AND MOTION FOR PERMANENT PROTECTIVE ORDER

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, file this response to the request for confidential classification and motion for permanent protective order filed by Southern Bell Telephone and Telegraph Company ("Southern Bell") on June 26, 1992.

1. Southern Bell seeks confidential treatment of the identity of its employees who were disciplined in connection with Southern Bell's repair service activities and reports.

2. Section 364.183, Florida Statutes (1991) states that the term "proprietary confidential information" includes, but is not limited to, employee personnel information unrelated to duties or responsibilities (emphasis added). The trouble with Southern Bell's argument is that the identification of employees disciplined in connection with Southern Bell's repair service activities and reports is related to the employees' duties and responsibilities.

The statute implies that such information should not be shielded from public disclosure.

3. Southern Bell's motion fails to recognize that the Commission ruled against Southern Bell in a number of similar circumstances. See Order Denying Southern Bell Telephone and Telegraph Company's Motion for Confidential Treatment of Document No. 3878-91, order no. 25238 issued October 22, 1991; Order Denying Southern Bell Telephone and Telegraph's Request for Confidential Classification of Document No. 0372-91, order no. 25237 issued October 22, 1991; and Order Denying Request for Confidentiality, order no. 24226 issued March 12, 1991¹.

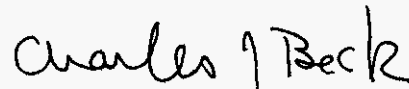
4. Southern Bell itself previously recognized that the names of employees in similar circumstances are not confidential. See "Southern Bell Telephone and Telegraph Company's Amendment to its Response and Objections to Public Counsel's Request for Production of Documents and Motion for a Temporary Protective Order" filed May 6, 1991 in docket 900960-TL. In that amendment Southern Bell dropped its request for confidential treatment of employee names and employee specific information, except for employee social security numbers.

¹ In connection with this last order, See also letter from Attorney General Robert A. Butterworth to Chairman Thomas M. Beard dated March 6, 1991, at page 2.

WHEREFORE, the Citizens file this response to the request for confidential classification and motion for permanent protective order filed by Southern Bell Telephone and Telegraph Company ("Southern Bell") on June 26, 1992, and request the Commission to deny Southern Bell's request and motion.

Respectfully submitted,

JACK SHREVE
Public Counsel



Charles J. Beck
Deputy Public Counsel

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Attorneys for the Citizens
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**CERTIFICATE OF SERVICE
DOCKET NO. 910163-TL**

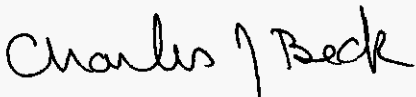
I HEREBY CERTIFY that a correct copy of the foregoing has been furnished by U.S. Mail or hand-delivery to the following persons on this 8th day of July, 1992.

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