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FILE COPY

February 26, 1993

Mr. Steve C. Tribble
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Florida Public Service Commission
101 East Gaines Street
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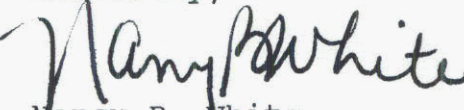
RE: Docket Nos. 920260-TL, 900960-TL, 910163-TL, 910727-TL

Dear Mr. Tribble:

Enclosed is an original and fifteen copies of a Southern Bell Telephone and Telegraph Company's Motion for a Temporary Protective Order for Its Response to Public Counsel's Third and Fifth Sets of Interrogatories, Originally Filed in Docket No. 910163-TL. Please file this document in the above-captioned dockets.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served on the parties shown on the attached Certificate of Service.

Sincerely,


Nancy B. White

Enclosures

cc: All Parties of Record
A. M. Lombardo
H. R. Anthony
R. D. Lackey

DOCUMENT NUMBER-DATE

02231 FEB 26 83

FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE

Docket No. 920260-TL

Docket No. 900960-TL

Docket No. 910163-TL

Docket No. 910727-TL

I HEREBY CERTIFY that a copy of the foregoing has been
furnished by United States Mail this 26th day of February, 1993
to:

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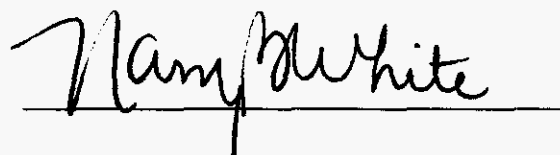
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Nancy White

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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|---|---|--------------------------|
| In re: Comprehensive Review of the Revenue Requirements and Rate Stabilization Plan of Southern Bell Telephone and Telegraph Company |) | Docket No. 920260-TL |
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| |) | |
| In re: Show cause proceeding against Southern Bell Telephone and Telegraph Company for misbilling customers |) | Docket No. 900960-TL |
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| In re: Petition on behalf of Citizens of the State of Florida to initiate investigation into integrity of Southern Bell Telephone and Telegraph Company's repair service activities and reports |) | Docket No. 910163-TL |
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| In re: Investigation into Southern Bell Telephone and Telegraph Company's compliance with Rule 25-4.110(2), F.A.C., Rebates |) | Docket No. 910727-TL |
| |) | |
| |) | |
| |) | |
| |) | |
| |) | Filed: February 26, 1993 |

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
MOTION FOR A TEMPORARY PROTECTIVE ORDER FOR ITS RESPONSES TO PUBLIC
COUNSEL'S THIRD AND FIFTH SETS OF INTERROGATORIES,
ORIGINALLY FILED IN DOCKET NO. 910163-TL

COMES NOW BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company") and files pursuant to Rule 25-22.006(5)(c), Florida Administrative Code, its Motion for Temporary Protective Order.

1. On June 6, 1991 and June 11, 1991 the Office of Public Counsel ("Public Counsel") served upon Southern Bell its Third and Fifth Sets of Interrogatories, originally filed in Docket No. 910163-TL. The Third Set of Interrogatories contains Item Nos. 1-10, and the Fifth Set of Interrogatories contains Item Nos. 1-2, all of which request information regarding the names and other personnel information of employees who have some knowledge of alleged

falsification of trouble reports. This information was considered by Southern Bell to be subject to the attorney-client privilege or work product doctrine or both, and Southern Bell declined to provide same. Public Counsel filed Motions to Compel this information which were granted by the Prehearing Officer in Order No. 25054, issued on September 12, 1991. Southern Bell filed a Motion for Reconsideration of this order which was denied by the full Commission on December 17, 1991 (See: Order No. 25483). Upon appeal, the Florida Supreme Court upheld the order of the Florida Public Service Commission requiring Southern Bell to divulge this information. (See: Denial of Petition in Case No. 80,004, dated February 4, 1993). Southern Bell is now providing this information to Public Counsel. Southern Bell considers this information to be proprietary confidential business information pursuant to Section 364.183, Florida Statutes.

2. Pursuant to the Florida Public Service Commission's ("Commission") rule on confidentiality, Rule 25-22.006(5)(c), Florida Administrative Code, Southern Bell moves the Prehearing Officer to issue a Temporary Protective Order exempting this data from § 119.07(1), Florida Statutes. This information is entitled to confidential treatment because it contains employee names, business addresses, titles, business telephone numbers, and dates of employment. This information is clearly confidential and proprietary under Florida Statutes, § 364.183(f), which provides that "proprietary confidential business information" includes "employee personnel information unrelated to compensation, duties, qualifications, or responsibilities."

3. The four areas of employee personnel information that are not, per se, confidential pursuant to § 364.183(f), Florida Statutes, are compensation, duties, qualifications, and responsibilities of an employee. A common sense reading of this list, as well as a review of the definitions of these items as contained in Webster's Seventh New Collegiate Dictionary demonstrate that the employee information provided in response to Public Counsel's interrogatories do not fit any of the exceptions and thus are, per se, confidential under §364.183(f), Florida Statutes.

4. A review of these terms, in the context of § 364.183(f), Florida Statutes, reveals their meaning. "Compensation" is the amount of money or other value that an employee is paid to perform his or her job duties. "Duties" are the particular acts an employee is expected to perform as a part of his or her job. "Qualifications" are the skills, knowledge, and abilities needed to perform a particular job. Finally, "responsibilities" are those things that an employee is obliged to do as part of his or her job. These meanings are confirmed by the dictionary definition of these words. Webster's definitions of these terms are as follows:

- A. Compensation - payment, wages.
- B. Duty - the action required by one's position or occupation.
- C. Qualification - something that qualifies; a condition that must be complied with.
- D. Responsibility - the quality or state of being responsible.


Thus, the names and other personnel information of the employees who may have some knowledge of these allegations does not relate to their compensation, duties, qualifications, or responsibilities.


5. If Public Counsel subsequently notifies Southern Bell that this proprietary information is to be used in a proceeding before the Commission, Southern Bell will, in accordance with Rule 25-22.006, Florida Administrative Code, file a detailed Motion for Protective Order specifically addressing the information identified.

WHEREFORE, Southern Bell respectfully requests that the Prehearing Officer issue a Temporary Protective Order exempting Southern Bell's responses to Item Nos. 1-10 of Public Counsel's Third Set of Interrogatories and Item Nos. 1-2 of Public Counsel's Fifth Set of Interrogatories from § 119.07(1), Florida Statutes, in accordance with Rule 25-22.006, Florida Administrative Code.

Respectfully submitted this 26th day of February, 1993.

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