

J. Phillip Carver
General Attorney

Southern Bell Telephone
and Telegraph Company
c/o Marshall M. Criser III
Suite 400
150 So. Monroe Street
Tallahassee, Florida 32301
Phone (305) 530-5558

March 1, 1993

Mr. Steve C. Tribble
Director, Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32301

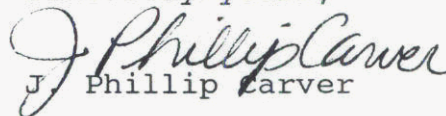
Re: Docket No. 920260-TL - 900960-TL - 910163-TL - 910727-TL

Dear Mr. Tribble:

Enclosed please find an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Motion for Confidential Treatment and Permanent Protective Order, which we ask that you file in the captioned docket.

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 to the parties shown on the attached Certificate of Service.

Sincerely yours,


J. Phillip Carver

Enclosures

cc: All Parties of Record
A. M. Lombardo
Harris R. Anthony
R. Douglas Lackey

DOCUMENT NUMBER-DATE

02281 MAR-18

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 *1st* day of *March*, 1993
to:

Robin Norton
Division of Communications
Florida Public Service
Commission
101 East Gaines Street
Tallahassee, FL 32399-0866

Tracy Hatch
Division of Legal Services
Florida Public Svc. Commission
101 East Gaines Street
Tallahassee, FL 32399-0863

Joseph A. McGlothlin
Vicki Gordon Kaufman
McWhirter, Grandoff & Reeves
315 South Calhoun Street
Suite 716
Tallahassee, Florida 32301
atty for FIXCA

Joseph Gillan
J. P. Gillan and Associates
Post Office Box 541038
Orlando, Florida 32854-1038

Patrick K. Wiggins
Wiggins & Villacorta, P.A.
Post Office Drawer 1657
Tallahassee, Florida 32302
atty for Intermedia and Cox

Laura L. Wilson, Esq.
Messer, Vickers, Caparello,
Madsen, Lewis & Metz, PA
Post Office Box 1876
Tallahassee, FL 32302
atty for FPTA

Charles J. Beck
Deputy Public Counsel
Office of the Public Counsel
111 W. Madison Street
Room 812
Tallahassee, FL 32399-1400

Michael J. Henry
MCI Telecommunications Corp.
MCI Center
Three Ravinia Drive
Atlanta, Georgia 30346-2102

Richard D. Melson
Hopping Boyd Green & Sams
Post Office Box 6526
Tallahassee, Florida 32314
atty for MCI

Rick Wright
Regulatory Analyst
Division of Audit and Finance
Florida Public Svc. Commission
101 East Gaines Street
Tallahassee, FL 32399-0865

Peter M. Dunbar
Haben, Culpepper, Dunbar
& French, P.A.
306 North Monroe Street
Post Office Box 10095
Tallahassee, FL 32301
atty for FCTA

Chanthina R. Bryant
Sprint
3065 Cumberland Circle
Atlanta, GA 30339

Michael W. Tye
AT&T Communications of the
Southern States, Inc.
106 East College Avenue
Suite 1410
Tallahassee, Florida 32301

Dan B. Hendrickson
Post Office Box 1201
Tallahassee, FL 32302
atty for FCAN

Benjamin H. Dickens, Jr.
Blooston, Mordkofsky,
Jackson & Dickens
2120 L Street, N.W.
Washington, DC 20037
Atty for Fla Ad Hoc

C. Everett Boyd, Jr.
Ervin, Varn, Jacobs, Odom
& Ervin
305 South Gadsen Street
Post Office Drawer 1170
Tallahassee, Florida 32302
atty for Sprint

Florida Pay Telephone
Association, Inc.
c/o Mr. Lance C. Norris
President
Suite 202
8130 Baymeadows Circle, West
Jacksonville, FL 32256

Monte Belote
Florida Consumer Action Network
4100 W. Kennedy Blvd., #128
Tampa, FL 33609

Bill L. Bryant, Jr., Esq.
Foley & Lardner
Suite 450
215 South Monroe Street
Tallahassee, FL 32302-0508
Atty for AARP

Michael B. Twomey
Assistant Attorney General
Department of Legal Affairs
Room 1603, The Capitol
Tallahassee, FL 32399-1050

Mr. Douglas S. Metcalf
Communications Consultants,
Inc.
631 S. Orlando Ave., Suite 250
P. O. Box 1148
Winter Park, FL 32790-1148

Mr. Cecil O. Simpson, Jr.
General Attorney
Mr. Peter Q. Nyce, Jr.
General Attorney
Regulatory Law Office
Office of the Judge
Advocate General
Department of the Army
901 North Stuart Street
Arlington, VA 22203-1837

Mr. Michael Fannon
Cellular One
2735 Capital Circle, NE
Tallahassee, FL 32308

Floyd R. Self, Esq.
Messer, Vickers, Caparello,
Madsen, Lewis, Goldman & Metz
Post Office Box 1876
Tallahassee, FL 32302-1876
Attys for McCaw Cellular

Angela Green
Division of Legal Services
Florida Public Svc. Commission
101 East Gaines Street
Tallahassee, FL 32399-0863

Stan Greer
Division of Communications
Florida Public Svc. Commission
101 East Gaines Street
Tallahassee, FL 32399-0863



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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: Comprehensive Review of) Docket No. 920260-TL
the Revenue Requirements and Rate)
Stabilization Plan of Southern)
Bell Telephone & Telegraph Company)

In re: Investigation into Southern) Docket No. 900960-TL
Bell Telephone and Telegraph)
Company's Non-Contact Sales)
Practices)

In re: Investigation into) Docket No. 910727-TL
Southern Bell Telephone and)
Telegraph Company's Compliance) Filed: March 1, 1993
with Rule 25-4.110(2) (Rebates))

**SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S MOTION FOR
CONFIDENTIAL TREATMENT AND PERMANENT PROTECTIVE ORDER**

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

1. On January 12, 1993, the Office of Public Counsel ("Public Counsel") conducted a deposition of a panel composed of Southern Bell employees, Dan King and Etta Martin. At that time, Southern Bell and Public Counsel entered into an agreement for the handling of confidential material. Specifically, the agreement was that Southern Bell would file within ten days of its receipt of the transcript of the deposition, a notice that it

intended to seek confidential classification and move for a permanent protective order as to any portions of the deposition and exhibits that Southern Bell considered to be confidential. Under the Agreement, Southern Bell would file a Request for Confidential Classification and Motion for Permanent Protective Order within 20 days after filing the Notice of Intent.

2. Southern Bell received the transcript of the above-referenced deposition on or about January 29, 1993. Accordingly, Southern Bell filed its notice of intent to seek confidential classification as to Exhibit No. 9 to the deposition on February 8, 1993. Southern Bell now files its Motion for Confidential Treatment and Permanent Protective Order.

3. Exhibit No. 9 is a document that describes a computer program owned by a vendor of Southern Bell. This computer program constitutes proprietary confidential business information that is owned by that vendor.

4. This information is entitled to confidential classification because it relates to proprietary, vendor-specific software features and includes instructions regarding the proper use of this proprietary software, which was purchased by Southern Bell from this vendor. If this information were to be publicly disclosed, any person who somehow gained access to Southern Bell's LMOS System could utilize this information to improperly and detrimentally manipulate the system, causing damage of significant proportions to the system. Public disclosure of this information would also impair Southern Bell's future ability to

contract for goods and/or services on favorable terms with its vendors. These vendors would be hesitant or unwilling to provide this valuable information to Southern Bell if it were subject to public disclosure.

5. Further, in this particular instance, Southern Bell has entered into a license agreement with its vendor that provides for non-disclosure of the software-related information contained in the program application instruction manual. The purpose of the contractual non-disclosure clause is to assure that the details regarding the capabilities of the vendor's software and other vendor-specific information are not publicly disclosed.

6. Thus, under § 364.183(3), Florida Statutes, this information should be classified as confidential because (1) vendor-specific information that is subject to a binding non-disclosure agreement is entitled to classification as proprietary confidential business information, and (2) because the public disclosure of this information would harm Southern Bell's ability to negotiate on favorable terms future contracts with its vendors for this type of software and related information.

7. Southern Bell has treated and intends to continue to treat the material for which confidential classification is sought as private, and this information has not been generally disclosed.

8. Southern Bell has filed as Attachment "A" an index of the specific portions of Exhibit 9 to the deposition that contain proprietary confidential information along with the specific

justification for this request for confidential treatment. Southern Bell has also filed two redacted copies of Exhibit 9 as Attachment "B". Finally, Southern Bell has filed as Attachment "C" a highlighted version of Exhibit 9.

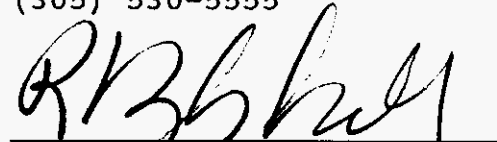
WHEREFORE, Southern Bell moves the Prehearing Officer to enter an order declaring the information described above and contained in the indicated portions of the attachments to be proprietary confidential business information that is not subject to public disclosure.

Respectfully submitted,

ATTORNEYS FOR SOUTHERN BELL
TELEPHONE AND TELEGRAPH COMPANY


HARRIS R. ANTHONY (22)

J. PHILLIP CARVER
c/o Marshall M. Criser III
150 So. Monroe Street
Suite 400
Tallahassee, Florida 32301
(305) 530-5555


R. DOUGLAS LACKEY
NANCY B. WHITE
4300 Southern Bell Center
675 W. Peachtree St., NE
Atlanta, Georgia 30375
(404) 529-3862

ATTACHMENT "A"

JUSTIFICATION FOR CONFIDENTIALITY REQUEST

1. The following document contains vendor-specific software information and is governed by a License Agreement that provides that the information contained therein will not be released to the public. Also, public release of such vendor-specific proprietary information could impede Southern Bell's ability to contract for similar goods and services from vendors on favorable terms and conditions. Pursuant to Section 364.183(3), Florida Statutes, this information is proprietary confidential business information that is exempt from the public disclosure provisions of Section 119.07, Florida Statutes.

LOCATION OF THE PROPRIETARY INFORMATION

<u>PAGE NO.</u>	<u>LINE NOS./COL. NO.</u>	<u>REASON</u>
Entire Document	Entire Document	1