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March 1, 1993

Mr. Steve C. Tribble  
Director, Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
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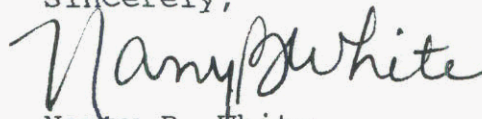
RE: Docket No. 920260-TL, 900960-TL, 910163-TL, 910727-TL

Dear Mr. Tribble:

Enclosed is an original and fifteen copies of a Southern Bell Telephone and Telegraph Company's Request for Confidential Classification and Motion for a Permanent Protective Order. 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

02300 MAR-1 8

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 1st day of March, 1993 to:

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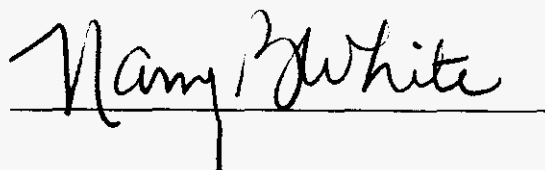
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Nancy White

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Comprehensive Review of the Revenue Requirements and Rate Stabilization Plan of Southern Bell Telephone and Telegraph Company	)	Docket No. 920260-TL
	)	
	)	
	)	
	)	
	)	
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: March 1, 1993

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION  
AND MOTION FOR A 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 Rules 1.280(c), Florida Rules of Civil Procedure, and files its Request for Confidential Classification and Motion for a Permanent Protective Order regarding portions of and exhibits attached to the testimony of R. Earl Poucher, witness for the Office of Public Counsel ("Public Counsel") filed on February 15, 1993. In support of its Request and Motion, Southern Bell shows the following:

1. During the course of this proceeding, Public Counsel has conducted extensive discovery of Southern Bell. Documents have been delivered to Public Counsel in response to Public Counsel's requests for production of documents and interrogatories. Those documents were the subject of Motions for a Temporary Protective Order filed herein and consequently are currently treated by Public Counsel as confidential materials.

2. Public Counsel has used certain documents and information in this proceeding as part of the testimony and exhibits of Public Counsel's witness, R. Earl Poucher. Therefore, Southern Bell herewith files its Request for Confidential Classification and its Motion for Permanent Protective Order for the information contained in the testimony and exhibits of the witness for Public Counsel. Southern Bell has appended to this Request for Confidential Classification as Attachment "A" a listing of the location in the documents of the information designated by Southern Bell as confidential, together with a statement indicating why the material should be treated as confidential proprietary business information.

3. Appended hereto in an envelope designated as Attachment "B" are two copies of the documents with the confidential information deleted. Appended hereto in an envelope designated as Attachment "C" is a copy of the documents with the proprietary information highlighted.

4. The information deemed to be confidential by Southern Bell and identified in Attachment "A" contains several categories

of proprietary information, each of which will be discussed herein.

5. The first category concerns customer-specific information, including name, address, and telephone number of subscribers. This information is entitled to confidential classification, and the Commission has consistently protected such customer-specific information from public disclosure. Moreover, § 119.07(3)(w) specifically provides that information such as customers' names, addresses, and telephone numbers are exempt from the inspection and examination provisions of the Public Record Act.

6. The second category of information concerns employee personnel information, specifically, social security numbers of employees. 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."

7. 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 social security numbers of employees do not

fit any of the exceptions and thus are, per se, confidential under § 364.183(f), Florida Statutes.

8. 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 follow:

- 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 social security numbers of employees do not relate to their compensation, duties, qualifications, or responsibilities.

9. Another category of proprietary information sought to be protected herein concerns proprietary confidential business information relating to Southern Bell's overall strategic views and planning. This information is highly proprietary inasmuch as it discloses Southern Bell's competitive and other environmental assessments and analyses as well as possible Company responses as

a result of consideration of such analyses. This information is entitled to confidential classification on the basis that it is information relating to competitive interests, the disclosure of which would impair Southern Bell's competitive business if publicly disclosed. Section 364.183(3), Florida Statutes, specifically provides that such information is proprietary confidential business information. If Southern Bell's competitors had access to this information, they could construct reactive plans to impede or even thwart Southern Bell's competitive initiatives. Southern Bell developed this information for use in strategically planning its business operations, and the subject information is not shared outside of the Company in the form and to the extent contained in these documents. If Southern Bell's competitors had public access to this information, their marketing efforts could easily be focused and specifically designed and targeted to take full advantage of Southern Bell's assessment of competitive alternatives. Any advantage gained through such use of Southern Bell's information would cause a concomitant adverse effect on the Company's business. Moreover, this type of information is not made public by Southern Bell's competitors, nor is it shared at all in competitive arenas. Consequently, Southern Bell's competitive strategies are equally entitled to be protected from public disclosure.

10. Information concerning inside wire is also included in the aforementioned testimony. The inside wire business is a



competitive business, and companies participating in that market do not typically share their capital investment, profit margins and marketing strategies with their competitors. Section 364.183(3)(e), Florida Statutes, specifically includes "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information" as proprietary confidential business information. Knowledge of discrete elements in a competitor's cost structure, such as current investment costs in the context of the inside wire business, would make it easier to estimate the competitor's overall costs which must be covered through advertising revenues. Consequently, knowledge of a competitor's costs could help in setting strategic advertising rates in certain markets subject to the greatest competition.


11. In the final category, Southern Bell has provided internal audit reports. Section 364.183(3)(b) specifically states that internal audit reports are exempt from the Public Record Act. Thus, the portions of Mr. Poucher's testimony and exhibits which contains such information should be held to be proprietary and confidential.


12. In accordance with Rule 25-22.006, Florida Administrative Code, the information for which confidential treatment is sought is intended to be and is treated by the Company as private and has not been disclosed on a nonconfidential basis.

WHEREFORE, Southern Bell Telephone and Telegraph Company moves the Prehearing Officer to enter an Order declaring the information described above, and contained in the indicated portions of the attached testimony and exhibits, to be confidential, proprietary business information and thus not subject to public disclosure.

Respectfully submitted this 1st day of March, 1993.

SOUTHERN BELL TELEPHONE  
AND TELEGRAPH COMPANY

  
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FPSC DOCKET 900960-TL

R. EARL POUCHER TESTIMONY

JUSTIFICATION FOR CONFIDENTIALITY REQUEST

1. This information relates to and summarizes portions of an internal audit and workpapers. Accordingly, this information from internal audits is entitled to confidential treatment under the express provisions of Section 364.183(3)(b), Florida Statutes.

2. This information contains employee-personnel information that is not related to qualifications, duties, responsibilities or compensation. Accordingly, these documents are exempted from the Public Records Act by the express provisions of Section 364.183, Florida Statutes.

3. This information includes the names, addresses and/or telephone numbers of subscribers. Accordingly, it is exempt from the public disclosure requirements of Section 119.07, Florida Statutes, by the express provisions of Section 119.07(w).

4. This information relates to competitive interests and/or unregulated operations, the disclosure of which would impair the competitive business and/or unregulated operations of Southern Bell. As such, this information is classified as confidential business information pursuant to Section 364.183, Florida Statutes, and is exempt from the Open Records Act.

The following information identified by page and line numbers is confidential and proprietary for the reasons described above:

	<u>PAGE</u> <u>NO.</u>	<u>LINE NOS.</u>	<u>COLUMNS</u>	<u>REASONS PROPRIETARY</u>
TESTIMONY	9	1 - 13		1
	10	3 - 12		1
	12	12 - 21		1, 4
	13	7 - 11		1
	14	5 - 8		1, 4
	15	6 - 15		1, 4
	19	14 - 18,		1
		20 - 25		1
	20	4 - 8		1
	22	1 - 3		1
	23	14 - 19		1
		21 - 24		1
	24	2 - 14		1
	28	13 - 21		1

<u>PAGE NO.</u>	<u>LINE NOS.</u>	<u>COLUMNS</u>	<u>REASONS PROPRIETARY</u>
29	1 - 7		1
	9 - 14		1
	17 - 24		1
30	1 - 9		1
31	2 - 7		1
	18 - 25		1
32	1 - 18		1
	22 - 25		1, 4
33	1 - 24		1, 4
34	1 - 12		1, 4
35	2 - 9		1
38	16 - 23, 25		1, 4
39	1 - 3		1
41	1 - 16		1, 4
42	6 - 24		1
43	1 - 19		1
48	1, 17 - 20		1

EXHIBIT NO.  
REP-4

6	33		2
10	2		2
11	29		2
13	8		2
16	17		2
19	9		2
22	2		2
23	34		2
25	25		2
27	12		2
28	33, 34		2
30	24		2
REP-5	ALL	ALL	1
REP-7A	ALL	ALL	1, 4
REP-7B	ALL	ALL	1, 4
REP-7C	ALL	ALL	1, 4
REP-7D	ALL	ALL	1, 4
REP-8A	ALL	ALL	1, 4
REP-8B	ALL	ALL	1, 4
REP-9	ALL	ALL	1, 4
REP-10A	ALL	ALL	1, 4
REP-10B	ALL	ALL	1, 4
REP-10C	ALL	ALL	1, 4
REP-10D	ALL	ALL	1, 4
REP-12	ALL	ALL	1

ATTACHMENT A  
PAGE 3 OF 3

	<u>PAGE</u> <u>NO.</u>	<u>LINE NOS.</u>	<u>COLUMNS</u>	<u>REASONS PROPRIETARY</u>
REP-13	ALL	ALL		1
REP-14	ALL	ALL		3
REP-15	ALL	ALL		1, 4
REP-16	ALL	ALL		1, 4
REP-18A	ALL	ALL		1, 4
REP-18B	ALL	ALL		1, 4
REP-19	ALL	ALL		1, 4
REP-21	ALL	ALL		1, 4
REP-22	ALL	ALL		1, 4
REP-23	ALL	ALL		1, 4
REP-24	ALL	ALL		1, 4
REP-25	ALL	ALL		1