

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Comprehensive review of) DOCKET NO. 920260-TL
the revenue requirements and)
rate stabilization plan of)
SOUTHERN BELL TELEPHONE AND)
TELEGRAPH COMPANY.)
_____)
In Re: Show cause proceedings) DOCKET NO. 900960-TL
against SOUTHERN BELL TELEPHONE)
AND TELEGRAPH COMPANY for)
misbilling customers.)
_____)
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: Investigation into) DOCKET NO. 910727-TL
SOUTHERN BELL TELEPHONE AND) ORDER NO. PSC-93-0388-CFO-TL
TELEGRAPH COMPANY's compliance) ISSUED: 03/15/93
with Rule 25-4.110(2), F.A.C.,)
Rebates.)
_____)

ORDER GRANTING IN PART AND DENYING IN PART
REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF DOCUMENT NO. 12789-92

On October 30, 1992, Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed a Request for Confidential Classification (Request) of certain material submitted in response to Interrogatory Numbers 258, 264, and 273. The Commission has assigned Document No. 12789-92 to the Company's response.

Florida law provides, in Section 119.01, Florida Statutes, that documents submitted to governmental agencies shall be public records. This law derives from the concept that government should operate in the "sunshine." The only exceptions to this law are specific statutory exemptions and exemptions granted by governmental agencies pursuant to the specific terms of a statutory provision.

Accordingly, pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, it is the Company's burden to show that the material submitted is qualified

DOCUMENT NUMBER-DATE

02783 MAR 15 88

FPSC-RECORDS/REPORTING

for specified confidential classification. Rule 25-22.006 provides that the Company may fulfill its burden by demonstrating that the documents fall into one of the statutory examples set forth in Section 364.183 or by demonstrating that the information is proprietary confidential information, the disclosure of which will cause the Company or its ratepayers harm.

To this end, Southern Bell asserts that the material at issue contains information concerning Percent Interstate Use (PIU) Audits and BellSouth Advertising and Publishing Company which reveal customer specific information, forecasted information on usage, market share, and revenues of services that are competitive. The material, which is considered proprietary and confidential by Southern Bell, is found in the Company's response to Interrogatory No. 258, lines 10, 12-21, 23-27, 29; Interrogatory No. 264, lines 21-37; and Interrogatory No. 273, lines 31, 34.

Upon review, the material is largely found to be not as described by the Company. The Company asserts that material provided in response to Interrogatory 258 and Interrogatory 264 represents its IXC customers' individual usage of access services. However, this is not the case; the material represents only the amount needed to correct the reported PIUs to the audited PIUs. Individual usage of access service cannot be determined from the data. If there is potential harm from disclosure of such data, it has not been demonstrated by the Company and its Request regarding the material shall be denied.

The Request as it applies to material provided in response to Interrogatory 273, line 34, under the column heading "Rate Base Effect" was disclosed in the Company's response to Staff's Interrogatory No. 40. Thus, the Company's Request as it applies to this material shall also be denied.

However, disclosure of the requested information found in the Company's response to Interrogatory 273, at line 31 would cause the Company Competitive harm, as would the information from the same Interrogatory response, line 34, under column headings "NOI Effect" and "Revenue Requirement." Thus, it is found to be confidential proprietary business information pursuant to Section 364.183(3)(e), Florida Statutes. Such information is exempt from the disclosure requirements of Section 119.07(1), Florida Statutes. Accordingly, the Company's Request regarding this material shall be granted.

ORDER NO. PSC-93-0388-CFO-TL
DOCKETS NOS. 920260-TL, 900960-TL, 910163-TL, 910727-TL
PAGE 3

Therefore, based on the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that Southern Bell Telephone and Telegraph Company's October 30, 1992, Request for Confidential Classification of Document No. 12789-92 is granted in part and denied in part as set forth in the body of this Order. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, the confidentiality granted to the documents specified herein shall expire eighteen (18) months from the date of issuance of this Order in the absence of a renewed request for confidentiality pursuant to Section 364.183. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 15th day of March, 1993.



SUSAN F. CLARK, Commissioner
and Prehearing Officer

(S E A L)

CWM

ORDER NO. PSC-93-0388-CFO-TL
DOCKETS NOS. 920260-TL, 900960-TL, 910163-TL, 910727-TL
PAGE 4

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 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.