

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 proceedings against SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY for misbilling customers.)	DOCKET NO. 900960-TL
)	
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
)	
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 ORDER NO. PSC-93-0410-CFO-TL ISSUED: 03/17/93

ORDER DENYING REQUEST FOR CONFIDENTIAL
CLASSIFICATION OF DOCUMENT NO. 538-93

On January 14, 1993, MCI Telecommunications Corporation (MCI or the Company) filed a Request for Confidential Classification of specified information provided in its Response to Staff Interrogatory Nos. 2 and 4. The Response has been assigned Document No. 538-93 by the Commission.

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 for specified confidential classification. Rule 25-22.006 provides that the Company may fulfill its burden by demonstrating that the

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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, the Company asserts that the material includes MCI's MTS-like traffic volumes and revenues broken down by mileage band and business/residential usage for both interLATA and intraLATA services. The Company argues that the requested information is a trade secret and that disclosure would reveal usage patterns and overall traffic volumes for different classes of customers of toll services. The Company contends that its competitors could use this information to analyze MCI's customer base and the effectiveness of its marketing strategies. MCI also asserts that the material could be used to target marketing efforts in response to relative strengths and weaknesses in the marketplace. Thus, the Company contends that disclosure would impair its competitive business. MCI concludes that the material at issue meets the statutory criteria for proprietary confidential business information pursuant to Sections 364.183 (3)(a),(e), Florida Statutes.

Upon review, the information is found to be in aggregated form. It includes neither route specific nor market specific information. The aggregated toll usage data by mileage band and customer classification is found to be of no value to MCI's competitors. It cannot be used realistically to target a specific market niche because usage characteristics for particular market segments are not included. Moreover, its use in analyzing the effectiveness of MCI's marketing strategies is questionable at best. Thus, it is not a trade secret and disclosure will not impair the competitive business of MCI. Therefore, the material cannot be classified as proprietary confidential business information pursuant to Section 364.183(3)(a),(e), Florida Statutes. Accordingly, the Company's Request for Confidential Classification of Document No. 538-93 is denied.

Based upon the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that MCI Telecommunications Corporation's Request for Confidential Classification of Document No. 538-93 is denied. It is further

ORDERED that pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, any confidentiality granted to the documents

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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 17th day of March, 1993.



SUSAN F. CLARK, Commissioner
and Prehearing Officer

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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,

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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.