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March 25, 1993

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

RE: Docket Nos. 920260-TL, 900960-TL, 910163-TL, 910727-TL

Dear Mr. Tribble:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Motion for Reconsideration of Order No. PSC-93-0388-CFO-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,

Sidney J. White, Jr.
ACK
APA 3
Sidney J. White, Jr.

Enclosures

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

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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 25th day of March, 1993 to:

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A handwritten signature in cursive script, appearing to read "J. White", written over a horizontal line.

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
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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: March 25, 1993
)	
)	

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
MOTION FOR RECONSIDERATION OF ORDER NO. PSC-93-0388-CFO-TL

COMES NOW, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company"), and files, pursuant to Rule 25-22.038(2), Florida Administrative Code, its Motion for Reconsideration of Order No. PSC-93-0388-CFO-TL, issued on March 15, 1993 by the Prehearing Officer in the above-referenced dockets.

1. On October 30, 1992, Southern Bell filed a Request for Confidential Classification ("Request") for certain information submitted in its responses to Interrogatory Item Nos. 258, 264, and 273. This information relates to IXC customer-specific percent interstate usage ("PIU") audits.

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2. On March 15, 1993, the Prehearing Officer issued Order No. PSC-93-0388-CFO-TL granting in part and denying in part the Company's Request.

3. In her discussion of the reasons for denying Southern Bell's Request for confidentiality for portions of the Company's responses to Interrogatory Item Nos. 258 and 264, the Prehearing Officer overlooked or failed to consider important reasons why the subject information should be kept confidential. The Prehearing Officer's order also ignores Southern Bell's explanation of the harm that could clearly result from a decision not to protect IXC customer-specific PIU audit-related information from public disclosure. The order makes reference only to the discussion in paragraph five (5) of Southern Bell's October 30, 1992 Request and has improperly failed to consider the additional compelling arguments contained in paragraph six (6) of that same Request. Consequently, Order No. PSC-93-0388-CFO-TL should be reconsidered and Southern Bell's complete argument should be taken into consideration in making a decision regarding the proper treatment of the pertinent portions of Interrogatory Item Nos. 258 and 264.

4. The information sought to be classified as confidential pertains to individual IXC customer-specific PIU audit-related information. This information includes specific amounts recovered from individual IXCs as a result of PIU audit findings. (Request at p. 2, ¶ 6). These individual IXC-specific billing results are proprietary for compelling reasons.

5. First, as stated in Southern Bell's original Request but overlooked in the order, the Company enters into legally binding confidentiality agreements with the IXCs that it audits, and the Company is therefore under a legal obligation not to publicly disclose the individual details of such audits. These details include the amounts ultimately billed back to some of these IXCs as a result of Southern Bell finding inaccuracies in the IXCs' jurisdictional reporting of PIU. Section 364.183(3), Florida Statutes, provides that information obtained by Southern Bell pursuant to a private non-disclosure agreement is proprietary confidential business information. Further, Southern Bell will be harmed in its ability to accurately audit the IXCs without the carriers' continued voluntary cooperation in such audits. Such lack of cooperation could likely result if the IXCs knew that this sensitive information were subject to disclosure.

6. A decision denying confidentiality could lead to the inadvertent and unintended result of requiring Southern Bell to formally invoke the Commission's authority to order the IXCs to cooperate in such audits. This is so because, as stated previously in Southern Bell's Request and also overlooked in the order, the IXCs have historically been somewhat resistant in these audits. (Request at p. 3). If the Commission does not acknowledge and honor the confidentiality agreements, the result will likely be less cooperation and more litigation.

7. This, in turn, would harm Southern Bell and its ratepayers. The reason for these audits is to ensure that

Southern Bell is being properly compensated for the relative percentages of intrastate and interstate access services provided to IXCs in Florida. To the extent PIU is overstated and left undetected, Southern Bell's regulated intrastate revenues would be negatively affected, thereby causing harm to Southern Bell and ultimately its ratepayers. (Request at p. 3). This argument was also overlooked in the order.

8. Second, as discussed in Southern Bell's Request, yet not mentioned or discussed in the Prehearing Officer's order, the individual IXC-specific amounts recovered from such carriers as a result of the PIU audits (Request at page 2, ¶ 6) constitute customer-specific billing information which this Commission has historically held to be entitled to confidential classification. This Commission has consistently recognized that Southern Bell's customers' individual information is to be treated as proprietary confidential business information. Order No. 24531, issued May 14, 1991 in Docket No. 860723-TP. The information at issue in Southern Bell's current Request is similarly classified as customer-specific information. As indicated in Southern Bell's Request, but also apparently overlooked or ignored in the Order, Southern Bell has already publicly provided the total intrastate revenue effect of the combined PIU audits for the 1991 and 1992 timeframes. No legitimate purpose would be served by further public release of the amounts individually recovered from each of Southern Bell's IXC customers. To the extent similar billing information relating to other Southern Bell customers is not

compelled to be publicly disclosed, it would be unjust to treat the Company's IXC customers with any less consideration.

Based on the foregoing, Southern Bell moves the Prehearing Officer to reconsider those portions of Order No. PSC-93-0388-CFO-TL pertaining to the IXC customer-specific billing amounts resulting from the confidential PIU audits conducted by Southern Bell, and to find that such information is entitled to confidential classification.

Respectfully submitted this 25th day of March, 1993.

SOUTHERN BELL TELEPHONE
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