

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-93-0717-CFO-TL  
TELEGRAPH COMPANY's compliance ) ISSUED: May 11, 1993  
with Rule 25-4.110(2), F.A.C., )  
Rebates. )  
\_\_\_\_\_)

ORDER GRANTING REQUEST FOR CONFIDENTIAL  
CLASSIFICATION OF DOCUMENT NO. 14345-92 (13652-92)

On October 16, 1992, the Staff of this Commission (Staff) filed its seventh request for production of documents (POD-7) upon BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company (SBT or Company) in Docket No. 920260-TL. On November 19, 1992, SBT filed responses to POD-7 Item 108(e), which was designated by this Commission as Document No. 13652-92, along with its notice of intent to seek specified confidential classification therefor. On December 10, 1992, SBT refiled the material, along with its formal request for specified confidential classification. At that time, the material in question was designated as Document No. 14345-92

Under Section 119.01, Florida Statutes, documents submitted to this Commission are public records. 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.

Pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the burden of proving that the materials qualify for specified confidential classification falls upon SBT. According to Rule 25-22.006, Florida Administrative

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Code, SBT must meet this burden by demonstrating that the materials fall into one of the statutory examples set forth in Section 364.183, Florida Statutes, or by demonstrating that the information is proprietary confidential business information, the disclosure of which will cause the Company or its ratepayers harm.

To this end, SBT argues that the material produced in response to POD-7 Item 108(e) contain intraLATA competitive scenario analyses which project the effect of possible events on the Company's toll usage and revenues, and the attendant effects on other Company-provided services. According to SBT, with the advent of competition in the intraLATA toll market, both interexchange carriers and resellers now compete with SBT for intraLATA toll customers. If publicly disclosed, these intraLATA competitive analyses would materially benefit SBT's competitors, at the expense of SBT and, ultimately, its ratepayers.

Upon review, the materials for which SBT has requested specified confidential classification do consist of intraLATA competitive analyses, the disclosure of which would likely give SBT's competitors an unfair competitive advantage. Accordingly, pursuant to Section 364.183(3)(e), Florida Statutes, the information is exempt from the disclosure requirements of Section 119.07(1), Florida Statutes. SBT's Request for Confidential Classification of Document No. 14345-92 (cross reference Document No. 13652-92) is, therefore, granted.

Based on the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that the request for specified confidential classification of Document No. 14345-92 (cross reference Document No. 13652-92), filed in this cause by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company, is hereby Granted. 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.

ORDER NO. PSC-93-0717-CFO-TL

DOCKETS NOS. 920260-TL, 900960-TL, 910163-TL, AND 910727-TL

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By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 11th day of May, 1993.

  
SUSAN F. CLARK, Commissioner  
and PREHEARING OFFICER

( S E A L )

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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, 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.