

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Comprehensive review of revenue requirements and rate stabilization plan of SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY.) DOCKET NO. 920260-TL))))))
In Re: Investigation into the 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))))))
In Re: Show cause proceeding against SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY for misbilling customers.) DOCKET NO. 900960-TL) ORDER NO. PSC-93-0965-CFO-TL) ISSUED: June 28, 1993))

ORDER DENYING REQUEST FOR CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO. 4326-92

On May 1, 1992, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Bell) filed its minimum filing requirement Schedule E-1a, which was designated as Document No. 4326-92, along with a request for specified confidential classification for certain ESSX and switched access cost data included therein.

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 Bell. According to Rule 25-22.006, Florida Administrative Code, Bell 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

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information is proprietary confidential business information, the disclosure of which will cause Bell or its ratepayers harm.

On November 10, 1992, Bell submitted a revised version of Schedule E-1a, which was designated as Document No. 13249-92, along with a request for specified confidential classification of the ESSX cost data contained in that filing. Bell's request regarding Document No. 13249-92 was granted by Order No. PSC-93-0413-CFO-TL, issued March 17, 1993. Since the ESSX cost data contained in Document No. 4326-92 is an abbreviated version of the data contained in Document No. 13249-92, the ESSX data from Document No. 4326-92 has been returned to Bell, obviating the need for a ruling on the information.

The switched access data depicts costs for both local transport and local switching. Bell argues that this information should be held confidential because competitors could use it to price their services below Bell's. According to Bell, this could result in a diminution of revenues, to the ultimate detriment of its ratepayers.

Bell's argument is not persuasive. As noted above, the burden of demonstrating that information qualifies for specified confidential classification rests upon Bell. Vague allegations, couched in wholly conclusory terms, do not satisfy this burden. Bell must actually demonstrate that the materials contain sensitive information and how disclosure of that information may cause competitive harm. Bell has not carried its burden. Its request for specified confidential classification of certain of the materials contained in Document No. 4326-92 is, therefore, denied.

Based upon the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that the request by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company for confidential classification of the ESSX cost information contained in Document No. 4326-92 has been rendered moot since such materials have been returned to the company. It is further

ORDERED that the request by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company for confidential classification of the switched access data contained in Document No. 4326-92 is denied, as set forth in the body of this Order.

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By ORDER of Commissioner Susan F. Clark, as Prehearing
Officer, this 28th day of June, 1993.



SUSAN F. CLARK, Commissioner and
Prehearing Officer

(S E A L)

RJP

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.

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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.