

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation to deter-) DOCKET NO. 920255-TL-
mine whether LEC PATS is compet-) ORDER NO. PSC-93-1278-CFO-TL
itive and whether LEC PATS) ISSUED: September 2, 1993
should be regulated differently)
than it is currently regulated.)

ORDER ADDRESSING REQUESTS FOR SPECIFIED
CONFIDENTIAL CLASSIFICATION OF DOCUMENTS
NOS. 10818-92 AND 10866-92

This Order addresses unopposed requests for specified confidential classification filed by the Florida Pay Telephone Association, Inc. (FPTA). FPTA asserts generally that the material for which confidential classification is sought is intended to be and is treated by FPTA as private and has not been disclosed except pursuant to agreement to maintain confidentiality.

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 FPTA. According to Rule 25-22.006, FPTA must meet this burden by demonstrating that the materials fall into one of the statutory examples set forth in Section 364.183, or by demonstrating that the information is proprietary confidential business information, the disclosure of which will cause FPTA harm.

On September 17, 1992, FPTA filed a Request for Specified Confidential Treatment of Hearing Exhibit No. 12 (Request). This information is identified as Commission Document No. 10818-92. On September 18, 1992, FPTA filed an amendment to the Request. This second filing is identified as Commission Docket No. 10866-92 and is intended to completely replace Document No. 10818-92.

FPTA has requested confidential treatment of total revenues and average annual gross revenue per payphone per year for the ten responding FPTA members. FPTA asserts that this information is not generally available or readily ascertainable in the marketplace and that disclosure would impair the members' competitive and economic interests.

DOCUMENT NUMBER-DATE

09484 SEP-28

FLORIDA PUBLIC SERVICE COMMISSION

ORDER NO. PSC-93-1278-CFO-TL
DOCKET NO. 920255-TL
PAGE 2

Upon review, this request shall be denied. The information contained in this exhibit is provided in the aggregate for each company and does not disclose specific telephones or locations. I am not convinced that FPTA members could be harmed by disclosure of this data. Accordingly, this Request shall be denied.

Based on the foregoing, it is

ORDERED by Chairman J. Terry Deason, as Prehearing Officer, that the Florida Pay Telephone Association, Inc.'s Requests for Specified Confidential Classification of Documents Nos. 10818-92 and 10866-92 are hereby denied as set forth herein.

By ORDER of Chairman J. Terry Deason, as Prehearing Officer, this 2nd day of September, 1993.


J. TERRY DEASON, Chairman 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),

ORDER NO. PSC-93-1278-CFO-TL
DOCKET NO. 920255-TL
PAGE 3

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.