

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
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In Re: Investigation into the 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
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In Re: Show cause proceeding against SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY for misbilling customers.	)	DOCKET NO. 900960-TL
	)	ORDER NO. PSC-93-1350-CFO-TL
	)	ISSUED: September 15, 1993
	)	
	)	

ORDER DENYING REQUEST FOR CONFIDENTIAL CLASSIFICATION OF COMMISSION DOCUMENT NO. 6058-93 IN DOCKET NO. 920260-TL

On November 25, 1992, the Staff of this Commission (Staff) served its Sixteenth Set of Interrogatories on BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the Company). On June 4, 1993, the Company submitted its responses to Items Nos. 427(a) and 427(b), along with a Request for Confidential Classification of these materials. The Company's responses are contained on two computer diskettes, which were designated by this Commission as Document No. 6058-93.

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.

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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 Southern Bell. According to Rule 25-22.006, Southern Bell 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 Southern Bell or its ratepayers harm.

The information contained on these diskettes is aggregated intraLATA (local access transport area) toll revenues and/or messages, segregated by mileage band, time of day, and/or class of customer. Southern Bell asserts that this information is valuable competitive information because it can be used as a resource by competitors who offer intraLATA services. According to the Company, the information would allow competitors the ability to determine specific markets that have heavy customer demand. Then, the competitor could target these markets in an effort to siphon off business from Southern Bell. Finally, such competitors would be able to make strategic decisions based largely on Southern Bell's market research, affording them an unfair advantage.

A review of this information reveals that it is not entitled to specified confidential treatment. Such aggregated toll usage data would not be useful to competitors for targeting a specific market niche. All figures presented are either averaged or aggregated. Given these facts, disclosure of this information would not result in harm to either Southern Bell or its ratepayers. Historically, this Commission has held such averaged or aggregated data of local exchange companies to be public. Accordingly, the same shall be done here.

Based on the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company's Request for Confidential Classification filed June 4, 1993, is hereby denied as set forth herein.

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By ORDER of Commissioner Susan F. Clark, as Prehearing  
Officer, this 15th day of September, 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.